

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4
5 -----)
6 IN RE: NATIONAL PRESCRIPTION)
7 OPIATE LITIGATION) Case No. 1:17-MD-2804
8 -----) Hon. Dan A. Polster
9 APPLIES TO ALL CASES)
10 -----)

11
12 HIGHLY CONFIDENTIAL
13 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
14

15 The videotaped deposition of EDWARD
16 BRATTON, called for examination, taken pursuant to the
17 Federal Rules of Civil Procedure of the United States
18 District Courts pertaining to the taking of
19 depositions, taken before JULIANA F. ZAJICEK, a
20 Registered Professional Reporter and a Certified
21 Shorthand Reporter, at Bartlit Beck Herman Palenchar &
22 Scott, LLP, Suite 400, 54 West Hubbard Street,
23 Chicago, Illinois, on November 30, 2018, at 9:05 a.m.
24

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<p>1 APPEARANCES: 2 ON BEHALF OF THE PLAINTIFFS: 3 LEVIN PAPANTONIO THOMAS MITCHELL RAFFERTY & PROCTOR P.A. 4 316 South Baylen Street, Suite 600 Pensacola, Florida 32502 5 205-396-3982 BY: PETER MOUGEY, ESQ. 6 pmougey@levinlaw.com 7 NAPOLI SHKOLNIK, PLLC 360 Lexington Avenue, 11th Floor 8 New York, New York 10017 212-397-1000 9 BY: HUNTER J. SHKOLNIK, ESQ. hunter@napolilaw.com 10 11 ON BEHALF OF WALGREEN CO.: 12 BARTLIT BECK LLP 54 West Hubbard Street, Suite 300 13 Chicago, Illinois 60654 312-494-4400 14 BY: PETER B. BENSINGER, JR., ESQ. peter.bensinger@bartlit-beck.com; 15 HAMILTON H. HILL, ESQ. hamilton.hill@bartlit-beck.com; 16 KATHERINE M. SWIFT, ESQ. kate.swift@bartlit-beck.com 17 18 ON BEHALF OF AMERISOURCEBERGEN CORPORATION and AMERISOURCEBERGEN DRUG CORPORATION: 19 20 REED SMITH LLP Reed Smith Centre 225 Fifth Avenue 21 Pittsburgh, Pennsylvania 15222 412-288-3367 22 BY: BRIAN T. HIMMEL, ESQ. bhimmel@reedsmith.com 23 24</p>	<p>1 APPEARANCES: (Continued) 2 ON BEHALF OF ENDO HEALTH SOLUTIONS INC., ENDO PHARMACEUTICALS INC., PAR PHARMACEUTICAL COMPANIES, 3 INC.: 4 ARNOLD & PORTER KAYE SCHOLER LLP 777 South Figueroa Street, 44th Floor 5 Los Angeles, California 90017-5844 213-243-4238 6 BY: ERIC SHAPLAND, ESQ. (Telephonically) eric.shapland@arnoldporter.com 7 8 ON BEHALF OF DISCOUNT DRUG MART, INC.: 9 CAVITCH, FAMLO & DURKIN CO., LPA 1300 East Ninth Street, 20th Floor 10 Cleveland, Ohio 44114 216-621-7860 11 BY: L. WILLIAM ERB, ESQ. (Telephonically) lwerb@cavitch.com 12 13 ON BEHALF OF WALMART INC.: 14 JONES DAY 77 West Wacker Drive 15 Chicago, Illinois 60601-1692 312-269-4164 16 BY: PATRICK J. BEISELL, ESQ. pbeisell@jonesday.com 17 18 ON BEHALF OF HBC SERVICES: 19 MARCUS & SHAPIRA LLP One Oxford Centre, 35th Floor 20 Pittsburgh, Pennsylvania 15219 412-471-3490 21 BY: ROBERT M. BARNES, ESQ. rbarnes@marcus-shapira.com 22 23 24</p>
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<p>1 APPEARANCES: (Continued) 2 ON BEHALF OF RITE AID CORPORATION (CUYAHOGA) and RITE AID OF MARYLAND, INC. D/B/A RITE-AID MID ATLANTIC 3 CUSTOMER SUPPORT CENTER INC.: 4 MORGAN LEWIS & BOCKIUS LLP 77 West Wacker Drive 5 Chicago, Illinois 60601-5094 312-324-1773 6 BY: SCOTT T. SCHUTTE, ESQ. scott.schutte@morganlewis.com 7 8 ON BEHALF OF CARDINAL HEALTH, INC.: 9 WILLIAMS & CONNOLLY LLP 725 Twelfth Street, N.W. 10 Washington, D.C. 20005 202-434-5000 11 BY: JULI ANN LUND, ESQ. jlund@wc.com 12 13 ON BEHALF OF PRESCRIPTION SUPPLY, INC.: 14 PELINI CAMPBELL & WILLIAMS LLC 8040 Cleveland Avenue NW, Suite 400 15 North Canton, Ohio 44720 330-305-6400 16 BY: KRISTEN E. CAMPBELL TRAUB, ESQ. (Telephonically) kec@pelini-law.com 17 18 ON BEHALF OF McKESSON CORPORATION: 19 COVINGTON & BURLING, LLP 3000 El Camino Real 20 5 Palo Alto Square, 10th Floor Palo Alto, California 94306-2112 650-632-4739 21 BY: DEVON MOBLEY-RITTER, ESQ. (Telephonically) dmobleyritter@cov.com 22 23 24</p>	<p>1 ALSO PRESENT: 2 MS. JODI KLOCKENGA, 3 Napoli Shkolnik, PLLC; 4 MS. KAROLYNN SCHNEEGAS, 5 Levin Papantonio Thomas Mitchell 6 Rafferty & Proctor P.A.; 7 MR. COREY SMITH, 8 Trial Technician 9 10 11 THE VIDEOGRAPHER: 12 MR. STEPHAN HOOG, 13 Golkow Litigation Services. 14 15 16 17 18 19 20 REPORTED BY: JULIANA F. ZAJICEK, C.S.R. NO. 84-2604. 21 22 23 24</p>

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<p>1 WALGREENS-BRATTON EXHIBIT MARKED FOR ID</p> <p>2 No. 005 PowerPoint - Drug Trends 161</p> <p>3 Indianapolis, Indiana, December</p> <p>4 2012; P-WAG-1258</p> <p>5 No. 006 E-mail chain, top one from Bratton 177</p> <p>6 to Patel, 8/19/13, Subject: Re:</p> <p>7 Controlled Substance Order</p> <p>8 Quantity Override Form; P-WAG-1146</p> <p>9 No. 007 Settlement and Memorandum of 181</p> <p>10 Agreement between the US DOJ, US</p> <p>11 DEA and Walgreens, w/exhibits</p> <p>12 attached; P-WAG-0001-A and</p> <p>13 P-WAG-0001</p> <p>14 No. 008 E-mail chain, top one from 222</p> <p>15 Daugherty to Kroeger, among</p> <p>16 others, 4/23/18, Subject: RE:</p> <p>17 Opioid Task Force Agenda 4/23,</p> <p>18 w/attachment; P-WAG-1172,</p> <p>19 WAGMDL00035669 - 683</p> <p>20 No. 009 E-mail chain, top one from Bratton 231</p> <p>21 to Polster, 4/4/13, Subject: Re:</p> <p>22 Thought from the Project Forest</p> <p>23 meetings; P-WAG-1125</p> <p>24</p>	<p>1 THE VIDEOGRAPHER: We are now on the record. My</p> <p>2 name is Stephan Hoog. I am the videographer for</p> <p>3 Golkow Litigation Services.</p> <p>4 Today's date is November 30th, 2018. The</p> <p>5 time is 9:05 a.m. as indicated on the video screen.</p> <p>6 This video deposition is being held in</p> <p>7 Chicago, Illinois In the Matter of National</p> <p>8 Prescription Opiate Litigation, MDL No. 2804. The</p> <p>9 deponent is Edward Bratton.</p> <p>10 All counsel will be noted on the</p> <p>11 stenographic record.</p> <p>12 The court reporter is Juliana Zajicek.</p> <p>13 Will you please swear in the witness.</p> <p>14 (WHEREUPON, the witness was duly</p> <p>15 sworn.)</p> <p>16 THE VIDEOGRAPHER: Please proceed.</p> <p>17 EDWARD BRATTON,</p> <p>18 called as a witness herein, having been first duly</p> <p>19 sworn, was examined and testified as follows:</p> <p>20 EXAMINATION</p> <p>21 BY MR. MOUGEY:</p> <p>22 Q. Good morning. My name is Peter Mougey. I</p> <p>23 represent the Plaintiffs in this case.</p> <p>24 Have -- have you ever been deposed before?</p>

<p style="text-align: right;">Page 10</p> <p>1 A. Once.</p> <p>2 Q. Once?</p> <p>3 MR. HILL: Just one second, are the monitors</p> <p>4 supposed to be showing a feed or is this all --</p> <p>5 (WHEREUPON, there was a short</p> <p>6 interruption.)</p> <p>7 THE VIDEOGRAPHER: Go off the record at</p> <p>8 9:06 a.m.</p> <p>9 (WHEREUPON, discussion was had off the</p> <p>10 record.)</p> <p>11 THE VIDEOGRAPHER: We are back on the record at</p> <p>12 9:11 a.m.</p> <p>13 BY MR. MOUGEY:</p> <p>14 Q. Mr. Bratton, you were describing to me</p> <p>15 that you had been deposed one time before.</p> <p>16 What other case was that that you were</p> <p>17 deposed in?</p> <p>18 A. It was in a CID, not a case.</p> <p>19 Q. Okay. And which -- which state AG?</p> <p>20 A. Mult- -- I -- I don't recall. It was</p> <p>21 multiple, unrelated to this matter.</p> <p>22 Q. You don't recall which states even?</p> <p>23 A. There was a number of.</p> <p>24 Q. You don't recall any of them?</p>	<p style="text-align: right;">Page 12</p> <p>1 BY THE WITNESS:</p> <p>2 A. Insulin prescription billing.</p> <p>3 BY MR. MOUGEY:</p> <p>4 Q. Okay. And when was the -- the date of</p> <p>5 your statement?</p> <p>6 A. I don't recall the exact date.</p> <p>7 Q. And have -- do you have an understanding</p> <p>8 generally of what year it was in or month?</p> <p>9 A. I think it was the end of last year, but I</p> <p>10 don't recall the date.</p> <p>11 Q. And you've been at Walgreens since 2008,</p> <p>12 correct, sir?</p> <p>13 A. I believe so.</p> <p>14 Q. And I'm going to hand you what we'll mark</p> <p>15 as Bratton 1.</p> <p>16 (WHEREUPON, a certain document was</p> <p>17 marked Walgreens-Bratton Deposition</p> <p>18 Exhibit No. 001, for identification,</p> <p>19 as of 11/30/2018.)</p> <p>20 BY MR. MOUGEY:</p> <p>21 Q. And that's your name on top of this</p> <p>22 document, correct, sir?</p> <p>23 A. Yes.</p> <p>24 Q. And does -- you recognize this as your</p>
<p style="text-align: right;">Page 11</p> <p>1 A. New York, federal -- well, I was deposed</p> <p>2 by the federal prosecutor from New York Southern</p> <p>3 District.</p> <p>4 Q. Okay. Any other states other than</p> <p>5 New York that you recall?</p> <p>6 A. There were other states' lawyers on the</p> <p>7 phone, but I don't recall which states.</p> <p>8 Q. And do you have a recollection of -- of</p> <p>9 whether or not the CID ultimately resulted in a formal</p> <p>10 complaint?</p> <p>11 A. I -- it has not at this point.</p> <p>12 Q. And do you re -- understand if there is</p> <p>13 any proceeding found by any of the state AGs in the</p> <p>14 investigation where your -- your confidential</p> <p>15 statement was taken?</p> <p>16 A. Not that I'm aware of.</p> <p>17 Q. And do you have an understanding of what</p> <p>18 the subject matter of that investigation was?</p> <p>19 A. Yes.</p> <p>20 Q. And -- and what is that?</p> <p>21 MR. HILL: And -- and Mr. Bratton, you can</p> <p>22 answer his question. I just caution you not to reveal</p> <p>23 any attorney/client privileged communication you might</p> <p>24 have had relating to this.</p>	<p style="text-align: right;">Page 13</p> <p>1 LinkedIn profile?</p> <p>2 A. Yes.</p> <p>3 Q. And the information that was entered into</p> <p>4 your LinkedIn profile you entered in, correct, sir?</p> <p>5 A. Yes.</p> <p>6 Q. And have you had an opportunity to review</p> <p>7 this in preparation for today?</p> <p>8 A. I did look at it, yes.</p> <p>9 Q. And is the information contained on</p> <p>10 Branton 1 -- Bratton 1, excuse me, accurate?</p> <p>11 A. Yes.</p> <p>12 Q. Was -- at any point in time has anyone</p> <p>13 directed you to remove any information from your</p> <p>14 LinkedIn profile?</p> <p>15 A. No.</p> <p>16 Q. At any point in time have you changed or</p> <p>17 altered the information put into your LinkedIn profile</p> <p>18 since the inception of this litigation?</p> <p>19 MR. HILL: Object to the form.</p> <p>20 BY MR. MOUGEY:</p> <p>21 Q. I'm sorry?</p> <p>22 A. No.</p> <p>23 Q. All right. And is there a reason why you</p> <p>24 don't give any description or department starting at</p>

<p style="text-align: right;">Page 14</p> <p>1 the bottom of your LinkedIn profile under Quality 2 Analyst? 3 A. I am not really a big user of LinkedIn and 4 so I just don't -- I haven't put much on there. 5 Q. Do you have a CV or resume independent of 6 your LinkedIn profile? 7 A. Yes. 8 Q. Is there -- did you give it to counsel, 9 did counsel ask you for your -- your resume or your CV 10 in preparation for today? 11 MR. HILL: An objection to -- to whether counsel 12 asked him for something. 13 You can answer whether you remember if you 14 provided the CV to counsel. 15 BY THE WITNESS: 16 A. I don't recall providing it. 17 BY MR. MOUGEY: 18 Q. So is your resume or CV at Walgreens, the 19 information different than what's on your LinkedIn 20 profile? 21 A. Probably, yes. 22 Q. Is it -- is there more detail under your 23 quality analyst than is on your LinkedIn profile? 24 A. Yes.</p>	<p style="text-align: right;">Page 16</p> <p>1 A. It -- 2 MR. HILL: Object to the form. 3 BY THE WITNESS: 4 A. It discusses my time and -- as a quality 5 analytic supervisor and a quality analyst. 6 BY MR. MOUGEY: 7 Q. What -- what -- does it provide the 8 department under a quality analyst? 9 A. Walgreens quality. 10 Q. That's the department, Walgreens quality 11 is the department? 12 A. I believe now it's called Walgreens 13 pharmacovigilance, but at that time it was called 14 quality. 15 Q. Does your C -- resume on your home 16 computer have a -- a description of what your job 17 entailed as a quality analyst? 18 MR. HILL: Objection to the form. 19 BY THE WITNESS: 20 A. It's on -- 21 MR. HILL: Go ahead. 22 BY THE WITNESS: 23 A. It's on my work computer, but it's at my 24 home.</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Is it in a readily accessible place? 2 A. Yes. 3 Q. Could you have somebody at the office pull 4 your CV or resume and e-mail it to counsel this 5 morning? 6 A. No. It's on my laptop at home. 7 Q. Is there anyone at your house this morning 8 that -- 9 A. No. 10 Q. -- that could pull your -- your CV? 11 A. No. 12 MR. HILL: Objection to form. 13 BY MR. MOUGEY: 14 Q. Is there a reason why you didn't provide a 15 detailed CV to counsel? 16 MR. HILL: Object to form. 17 BY THE WITNESS: 18 A. I wasn't -- 19 BY MR. MOUGEY: 20 Q. Is there a reason why we were directed to 21 use these LinkedIn CVs that are -- so how much more 22 detail is on your -- your regular CV under quality 23 analyst that's on this LinkedIn profile that you don't 24 use?</p>	<p style="text-align: right;">Page 17</p> <p>1 BY MR. MOUGEY: 2 Q. And does it -- wherever it is, does your 3 resume have a detailed description under your role as 4 a quality analyst? 5 A. It relates the accomplishments and 6 milestones that I had in that role. I don't know that 7 it contains the roles and responsibilities. 8 Q. What quality -- I'm sorry. 9 What accomplishments and milestones do you 10 have listed on your resume that are not on your 11 LinkedIn profile? 12 A. I don't recall. 13 Q. You don't recall anything at -- even 14 generally? 15 A. No. I -- we set up quality measurement 16 systems for central pharmacy operations is probably on 17 there. 18 Q. And the department that you had, did 19 you -- you did list the department that you worked for 20 or the group? 21 A. I don't recall. 22 Q. So in addition to your milestones and 23 accomplishment under quality analyst, what other 24 information would be provided on your CV?</p>

<p style="text-align: right;">Page 18</p> <p>1 A. Probably about training and developing my 2 employees or, you know, projects, some of the projects 3 that I would be able to share. 4 Q. The same answer for your role as a quality 5 and analytic supervisor from 2010 to February of 2013? 6 A. Correct. 7 Q. Would have provided additional information 8 under your resume than what you have in your LinkedIn 9 profile? 10 A. Correct. 11 Q. When is the last time that you went on 12 LinkedIn, just generally, general memory? 13 A. Not frequently. 14 Q. Two years ago? 15 A. Probably less than that. 16 Q. Less than that. 17 Within the last couple of years? 18 A. At some point. 19 Q. How often do you go on LinkedIn? 20 A. Not very often. 21 Q. How often do you update information on 22 LinkedIn? 23 A. Not very often. 24 Q. All right. So let's go back down to --</p>	<p style="text-align: right;">Page 20</p> <p>1 We disagree with your characterization. 2 We'd love it if you could send us the document request 3 number and we'll take a look at it. And why don't you 4 just ask him what he does. That might be easier. 5 MR. MOUGEY: Well, it might be easier for 6 preparation if we had a regular resume. That would 7 be -- that's routine and ordinary in any litigation 8 that you get the resumes -- 9 MR. HILL: Send us the document request. 10 MR. MOUGEY: -- instead of referring us to a -- 11 yeah. 12 Because you -- I'm going to read into the 13 record on an e-mail -- go back to the top, would -- 14 thank you. Good catch. 15 MR. HILL: It's an e-mail? 16 MR. MOUGEY: On October 11th -- 17 MR. HILL: It's an e-mail? 18 MR. MOUGEY: -- October 11th from Ms. Swift to 19 Jeff Gaddy in our office, at the bottom of the second 20 paragraph, the -- the -- 21 For purpose of function managers in 22 Perrysburg, Ohio, we've previously told you there were 23 two C-II function managers, asked about the e-mail, 24 and said the kind of information you were looking for</p>
<p style="text-align: right;">Page 19</p> <p>1 MR. MOUGEY: Just for the record, we -- we've 2 asked for your resume, we asked for your CVs, and we 3 were told that we would have the same information on 4 LinkedIn that was -- and we were directed to pull it 5 off of LinkedIn from the beginning. 6 This is just another example in a long 7 line of pattern of us asking for information and 8 getting some de minimis amount of information when 9 there is documents readily available that could have 10 been asked of the witness to provide that are routine 11 and ordinary course that you produce. 12 MR. HILL: What document request was that? 13 MR. MOUGEY: Sitting here I don't recall, but 14 I -- I am a hundred percent positive Ms. Swift 15 referred us to LinkedIn profiles, that all of the 16 information we needed was there, and his is just 17 another example of an entry with no information dating 18 all of the way back to 2008. 19 So before Mr. Bratton's 30(b)(6), we would 20 appreciate his CV that he has on his work computer. 21 MR. HILL: Yeah, we -- we just disagree with 22 your characterization -- 23 MR. MOUGEY: I'm sure you do. 24 MR. HILL: Can I finish? I let you talk.</p>	<p style="text-align: right;">Page 21</p> <p>1 is also commonly available publicly on sites liked 2 LinkedIn, which is the -- kind of the routine that 3 we've been told to go look at LinkedIn for CVs and 4 everything else. 5 MS. SWIFT: Peter, this is Kate Swift for 6 Walgreens. The e-mail that you just read has nothing 7 to do with the document request. Plaintiffs have 8 never requested CVs in this case in a document request 9 that I am aware of. If you can identify a document 10 request, we are happy to look into it. 11 MR. MOUGEY: We've asked for -- 12 MR. HILL: What does this have to do with 13 Mr. Bratton? 14 MR. MOUGEY: We have -- we have asked -- we have 15 asked so many times for wit -- witnesses that know 16 something about something, and as of right now we have 17 been given a parade of witnesses. 18 Kate, you've told us 50 times that 19 pharmaceutical integrity was all we are going to need 20 and that pharmaceutical -- if you go back and look at 21 the interrogatories verified by Mr. Bratton, they are 22 filled with pharmaceutical integrity response -- 23 answers, and pharmaceutical integrity and 24 pharmaceutical integrity, yet no one knows anything</p>

<p style="text-align: right;">Page 22</p> <p>1 prior to 2013.</p> <p>2 And having real CVs would have made a -- a</p> <p>3 huge difference in figuring out what custodians and</p> <p>4 what witnesses -- since you didn't have any org</p> <p>5 charts, this would have been a tool to help figure out</p> <p>6 where -- what to use.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. So let's start at the -- the -- the</p> <p>9 quality analyst that's blank other than the date.</p> <p>10 MR. HILL: We disagree with that</p> <p>11 characterization, but we are happy to take this off</p> <p>12 line. And why don't we ask the witness some</p> <p>13 questions.</p> <p>14 MR. MOUGEY: I appreciate your direction, but</p> <p>15 why don't you give us the documents we need to prepare</p> <p>16 for these depositions rather than blank entries with</p> <p>17 timing and pointing us to publicly available sites</p> <p>18 when there is a resume sitting on this man's work</p> <p>19 desktop. I would --</p> <p>20 MR. HILL: Why didn't you ask for it?</p> <p>21 MS. SWIFT: You didn't ask for it.</p> <p>22 MR. HILL: Why didn't you ask for it?</p> <p>23 MR. MOUGEY: We've asked for it on numerous</p> <p>24 times. Quality analyst --</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. It doesn't give you the department that</p> <p>2 you work in, correct, sir?</p> <p>3 A. Correct.</p> <p>4 Q. It is devoid of any information to help</p> <p>5 one figure out what you do at -- at Walgreens from</p> <p>6 2008 to August of 2010 other than the words "quality</p> <p>7 analyst," correct, sir?</p> <p>8 MR. HILL: Object to the form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. It does say "quality analyst."</p> <p>11 BY MR. MOUGEY:</p> <p>12 Q. That's it. Other than that, it tells us</p> <p>13 absolutely nothing, correct?</p> <p>14 MR. HILL: Object to the form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. Correct.</p> <p>17 BY MR. MOUGEY:</p> <p>18 Q. Quality analyst could mean just about</p> <p>19 anything in a wide various number of issues at -- at</p> <p>20 Walgreens, correct, sir?</p> <p>21 MR. HILL: Object to the form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I don't know.</p> <p>24 BY MR. MOUGEY:</p>
<p style="text-align: right;">Page 23</p> <p>1 MR. HILL: You didn't ask for it, sir.</p> <p>2 MR. MOUGEY: 2008 --</p> <p>3 MR. HILL: You ask us for things and we give</p> <p>4 them to you. That's how this works.</p> <p>5 MR. MOUGEY: Yes, that's -- that's exactly how</p> <p>6 this works. This is just another example.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. Quality analyst, 2008 to August of 2010.</p> <p>9 You see that in front of you in Bratton 1, correct,</p> <p>10 sir?</p> <p>11 A. Yes.</p> <p>12 Q. It is blank as far as a job description,</p> <p>13 correct, sir?</p> <p>14 A. Correct.</p> <p>15 Q. There is absolutely zero information under</p> <p>16 Quality Analyst other than the date, correct, sir?</p> <p>17 A. Correct.</p> <p>18 Q. It doesn't include any job description</p> <p>19 under Quality Analyst under your LinkedIn information,</p> <p>20 correct, sir?</p> <p>21 A. Correct.</p> <p>22 Q. It doesn't give any scope of your</p> <p>23 responsibilities, correct, sir?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. You could be the quality analyst of</p> <p>2 checking for how the refreshments are going in the</p> <p>3 cooler section, correct, sir?</p> <p>4 MR. HILL: Object to the form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. It doesn't specify the roles.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. You -- you could be -- you could be the</p> <p>9 quality analyst for identifying where Walgreens stores</p> <p>10 are placed to get the maximum amount of traffic,</p> <p>11 correct, sir?</p> <p>12 MR. HILL: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I don't know.</p> <p>15 BY MR. MOUGEY:</p> <p>16 Q. It doesn't -- it doesn't tell us anything,</p> <p>17 does it?</p> <p>18 A. I don't know.</p> <p>19 Q. So does it tell you anything other than</p> <p>20 quality analyst if you were looking at this?</p> <p>21 A. No.</p> <p>22 Q. All right. So let's -- what is a quality</p> <p>23 analyst in your -- in your mind, sir, what is a</p> <p>24 quality analyst?</p>

<p style="text-align: right;">Page 26</p> <p>1 A. So at this time I was responsible for</p> <p>2 analyzing patient safety errors as it related to our</p> <p>3 central pharmacy operations along with some other --</p> <p>4 when we received complaints from stores or complaints</p> <p>5 from customers about their experience at Walgreens.</p> <p>6 Q. Sir, do you go to meetings and group</p> <p>7 meetings while you are in your -- any of your roles at</p> <p>8 Walgreens?</p> <p>9 A. Yes.</p> <p>10 Q. And before you go to the meetings, do you</p> <p>11 prepare for those meetings?</p> <p>12 A. Sometimes.</p> <p>13 Q. Do you review material often before you go</p> <p>14 into those meetings?</p> <p>15 A. Sometimes.</p> <p>16 Q. And it's good to be prepared, right?</p> <p>17 A. Yes.</p> <p>18 Q. And you might gather some information to</p> <p>19 go and prepare for those and -- and that's been vital</p> <p>20 for your success moving up the food chain at</p> <p>21 Walgreens, correct?</p> <p>22 A. It's helpful.</p> <p>23 MR. HILL: Object to the form.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 28</p> <p>1 didn't like it being pushed back -- pushed back to the</p> <p>2 store to complete that work, or a customer might</p> <p>3 complain that they were on hold on the phone too long</p> <p>4 or they waited in the Drive-Thru too long or that they</p> <p>5 weren't addressed in a manner that they liked in a</p> <p>6 phone call or that the person wasn't able to help them</p> <p>7 or other -- other customer service-type issues.</p> <p>8 Q. Did -- did you receive calls from a --</p> <p>9 kind of a 1-800 number where people would complain</p> <p>10 they sat in the drive-through too long?</p> <p>11 A. We would receive executive complaints, so</p> <p>12 that's when somebody calls, like, 1-800 Walgreens and</p> <p>13 it goes through the CEO's office or we would receive</p> <p>14 sale complaints and those are complaints that the</p> <p>15 stores -- customer would relate to the store staff and</p> <p>16 the store staff would relate to us.</p> <p>17 Q. So a customer would call in and complain</p> <p>18 about the line and -- and that would be part of your</p> <p>19 job responsibility from 2008 to August of 2010 was to</p> <p>20 answer those complaints?</p> <p>21 A. We might look into what in the process was</p> <p>22 causing a delay and is there a way that we could avoid</p> <p>23 those types of issues for customers in stores.</p> <p>24 Q. So quality analyst encompasses the</p>
<p style="text-align: right;">Page 27</p> <p>1 A. It's helpful.</p> <p>2 BY MR. MOUGEY:</p> <p>3 Q. Yes, sir.</p> <p>4 So other than analyzing patient safety</p> <p>5 errors, what other roles did you have as a quality</p> <p>6 analyst?</p> <p>7 A. As I mentioned, we would look into</p> <p>8 complaints from both stores and patients, sometimes</p> <p>9 special projects related to how we were delivering</p> <p>10 services from the central pharmacy operations.</p> <p>11 Q. When you refer to complaints from stores</p> <p>12 or complaints from customers, what -- what are you</p> <p>13 referring to?</p> <p>14 A. We might receive complaints that a</p> <p>15 store -- in that process we would have pharmacists</p> <p>16 reviewing prescriptions for accuracy and technicians</p> <p>17 typing those prescriptions and the store -- sometimes</p> <p>18 the pharmacist would be unable to review the</p> <p>19 prescription completely and so they would return it to</p> <p>20 the store for the store pharmacist to review because</p> <p>21 perhaps the image wasn't clear or they didn't have</p> <p>22 access to all of the information that they needed and</p> <p>23 the store would complain that, you know, they are very</p> <p>24 busy and they should verify it more quickly and they</p>	<p style="text-align: right;">Page 29</p> <p>1 customer's experience as a purchaser at Walgreens?</p> <p>2 A. Partially, yeah.</p> <p>3 Q. And quality analyst includes store</p> <p>4 complaints from pharmacists about what's taking so</p> <p>5 long about a certain prescription or something</p> <p>6 arriving?</p> <p>7 A. Correct.</p> <p>8 Q. And you mentioned patient safety errors.</p> <p>9 Could you explain to me a little more</p> <p>10 detail what that means?</p> <p>11 A. There could be times when a patient comes</p> <p>12 to pick up a prescription and they have the same last</p> <p>13 name as another patient and they are given the</p> <p>14 incorrect prescription or they -- the pharmacist</p> <p>15 incorrectly verified the doctor's handwriting and they</p> <p>16 are supposed to take it twice a day and they put three</p> <p>17 times a day or -- or something like that.</p> <p>18 Q. Do you understand what the word</p> <p>19 "diversion" means in the context of controlled</p> <p>20 substances?</p> <p>21 MR. HILL: Object to the form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I've heard it used many times. I -- I</p> <p>24 heard it used a lot of different ways, but...</p>

<p style="text-align: right;">Page 30</p> <p>1 BY MR. MOUGEY:</p> <p>2 Q. So -- so the answer is yes, you do -- you</p> <p>3 do understand what the word "diversion" means in the</p> <p>4 context of controlled substances?</p> <p>5 MR. HILL: Same objection.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I believe I do.</p> <p>8 BY MR. MOUGEY:</p> <p>9 Q. And what is your understanding of what</p> <p>10 diversion means in the context of controlled</p> <p>11 substances?</p> <p>12 A. A taking of drugs and moving them to a</p> <p>13 purpose other than is legitimate.</p> <p>14 Q. When you say "taking" what do you -- "of</p> <p>15 drugs," what do you -- what do you mean?</p> <p>16 A. It could be the theft from a Walgreens</p> <p>17 location, it could be a patient selling their product</p> <p>18 to another person, it could be the improper disposal.</p> <p>19 Q. Did your role as a quality analyst from</p> <p>20 2008 to August of 2010 have any responsibilities for</p> <p>21 diversion in -- of controlled substances in whatever</p> <p>22 definition you are applying?</p> <p>23 A. Divert --</p> <p>24 MR. HILL: Object to the form.</p>	<p style="text-align: right;">Page 32</p> <p>1 facility that dispensed prescriptions to stores or</p> <p>2 mail-order clients, and they asked us to look at the</p> <p>3 dispensing accuracy, sometimes the machines would</p> <p>4 under or over count, and they asked us to look into a</p> <p>5 shortage of tablets once and if the machines were</p> <p>6 related to that shortage.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. And that's the only example you can think</p> <p>9 of?</p> <p>10 A. Correct.</p> <p>11 Q. Well, how did your role change in 2010</p> <p>12 with the title of quality and analytic supervisor?</p> <p>13 A. Previous to that I was an individual</p> <p>14 contributor and after that I was managing a team of</p> <p>15 about seven individuals.</p> <p>16 Q. But in the same scope of responsibilities,</p> <p>17 correct?</p> <p>18 A. Similar, yes.</p> <p>19 Q. When you say "similar," what was the</p> <p>20 difference?</p> <p>21 A. I was not responsible for the individual</p> <p>22 contributors under me. There was less involvement</p> <p>23 with the call center component at that time, so less</p> <p>24 of the -- they waited too long on hold or the person</p>
<p style="text-align: right;">Page 31</p> <p>1 BY THE WITNESS:</p> <p>2 A. Diversion was not part of my roles and</p> <p>3 responsibilities.</p> <p>4 BY MR. MOUGEY:</p> <p>5 Q. As a quality analyst or --</p> <p>6 A. As a --</p> <p>7 Q. -- or ever?</p> <p>8 A. As a -- as a quality analyst.</p> <p>9 Q. All right.</p> <p>10 Was diversion as you understand it with</p> <p>11 controlled substances part of your job as a quality</p> <p>12 and analytics supervisor?</p> <p>13 A. It was not part of my roles and</p> <p>14 responsibilities.</p> <p>15 Q. So up until February of 2013 from the date</p> <p>16 you started at Walgreens in 2008, zero percent of your</p> <p>17 job responsibility included anything to do with</p> <p>18 diversion of controlled substances?</p> <p>19 MR. HILL: Object to form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. There was one incident where we were asked</p> <p>22 to look -- one of the -- the things that we were</p> <p>23 responsible for was measuring the accuracy of our</p> <p>24 accounting equipment in our -- so we had a central</p>	<p style="text-align: right;">Page 33</p> <p>1 they talked to on the phone-type stuff.</p> <p>2 Q. Okay. But other than that, very similar</p> <p>3 scope of responsibilities that you had as a quality</p> <p>4 analyst other than the fact that you were manage --</p> <p>5 managing people?</p> <p>6 A. Correct.</p> <p>7 Q. February '13 your role changed as a</p> <p>8 manager of pharmaceutical integrity, correct, sir?</p> <p>9 A. Correct.</p> <p>10 Q. And -- and, sir, you were in charge of the</p> <p>11 southern region, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And --</p> <p>14 A. Well, I was responsible with regard to Rx</p> <p>15 integrity. There is business operators that are</p> <p>16 responsible for that operation in general, but...</p> <p>17 Q. When you say "business operators that are</p> <p>18 responsible for that operation in general," what do</p> <p>19 you mean?</p> <p>20 A. We have a Co-VP that's responsible for</p> <p>21 each operation and then various field leadership</p> <p>22 individuals that actually run the stores under --</p> <p>23 under those operations.</p> <p>24 Q. Okay. Let's come back to that.</p>

<p style="text-align: right;">Page 34</p> <p>1 You have your biology undergrad, correct, 2 in 2007 you finished from St. Petersburg College, 3 correct? 4 A. Correct. 5 Q. And you began working as a certified 6 pharmacy tech that same year, right? 7 A. Correct. 8 Q. And then you moved onto the quality 9 supervisor as central pharmacy op -- pharmacy operations 10 in Orlando, correct? 11 A. Correct. 12 Q. When did you move to the Chicago area? 13 A. In around March 2013. 14 Q. Oh, so consistent with this -- your role 15 in pharmaceutical integrity, you moved from Florida to 16 the Chicago area? 17 A. Correct. 18 Q. And was that a job-related move? 19 A. Yes. 20 Q. And that was -- would you consider that to 21 have been a promotion to manager of pharmaceutical 22 integrity? 23 A. Yes. 24 Q. And you've remained in pharmaceutical</p>	<p style="text-align: right;">Page 36</p> <p>1 know, as listed here, investigating potential 2 violations. 3 There also, as part of our role, there 4 would be times when new -- states passed a new 5 regulation and we would help the field leaders 6 communicate that to stores and update policies and 7 procedures to be compliant with that change as various 8 states have various different rules and laws. 9 Q. Let's take a couple of the examples you -- 10 you gave. 11 The -- the monitoring stores and 12 pharmacies related to crowd -- controlled substances, 13 give us some more detail of what that means? 14 A. So we -- we would create reports and 15 metrics that measure what type of drugs are being 16 dispensed, how frequently, what quantities in various 17 different regions, how those were being paid for. We 18 would measure pharmacists, which pharmacists were 19 filling what prescriptions. 20 Q. Now, in your prior roles at Walgreens from 21 2008 to 2013, February, before you went to 22 pharmaceutical integrity, were you familiar with any 23 other departments that were fulfilling the same role 24 that you were in pharmaceutical integrity?</p>
<p style="text-align: right;">Page 35</p> <p>1 integrity from February of '13 unto the present time, 2 correct, sir? 3 A. Correct. 4 Q. And would you describe your role of 5 responsibilities as manager of pharmaceutical 6 integrity, it says "southern operation" on your 7 LinkedIn? 8 A. So I will -- so the -- in addition to the 9 things listed here or -- or just as what I would 10 characterize it as? 11 Q. Just what you believe your job was -- what 12 you believe your job was -- is in pharmaceutical 13 integrity. 14 A. So, we would -- so I have two analysts 15 that report to me. I would advise or -- or become 16 involved with issues they would escalate to me. 17 One of the things I was responsible for 18 early on was setting up our measure -- some of our 19 measurement systems and how we were monitoring stores 20 and pharmacies and -- as it related to controlled 21 substances. We've spent a lot of time around 106 22 pharmacy, DEA 106s, how do we better capture and 23 report that information and how do we learn from that 24 to make improvements, and then the -- and then, you</p>	<p style="text-align: right;">Page 37</p> <p>1 MR. HILL: Object to the form. 2 BY THE WITNESS: 3 A. I -- not that I know of. 4 BY MR. MOUGEY: 5 Q. Were you aware of any other departments in 6 your role as a quality analyst and quality analyst -- 7 analytic supervisor from 2008 to February of '13 that 8 were responsible for monitoring controlled substances? 9 MR. HILL: Object to the form. 10 BY THE WITNESS: 11 A. At -- at that time, no. 12 BY MR. MOUGEY: 13 Q. Did you see any other individuals or 14 departments that were running reports similar to what 15 you were running in pharmaceutical integrity? 16 A. No. 17 Q. Let me hand you what I'm going to mark as 18 Bratton 2, which is P-GEN 0041. 19 (WHEREUPON, a certain document was 20 marked Walgreens-Bratton Deposition 21 Exhibit No. 002, for identification, 22 as of 11/30/2018.) 23 BY MR. MOUGEY: 24 Q. Sir, you understand that the -- Walgreens</p>

<p style="text-align: right;">Page 38</p> <p>1 acts as a distributor?</p> <p>2 MR. HILL: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. We no longer act as a distributor. We did</p> <p>5 at one time.</p> <p>6 BY MR. MOUGEY:</p> <p>7 Q. That you acted as a distributor up until</p> <p>8 at least 2014, correct, sir?</p> <p>9 MR. HILL: Object to the form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. Correct.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. And that in Walgreens' role as a</p> <p>14 distributor until 2014 that Walgreens supplied</p> <p>15 Schedule II and Schedule III opiates to its</p> <p>16 pharmacies, correct?</p> <p>17 MR. HILL: Object to the form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. Correct.</p> <p>20 BY MR. MOUGEY:</p> <p>21 Q. And do you understand, sir, in Walgreens</p> <p>22 role as a distributor that it had certain</p> <p>23 responsibilities?</p> <p>24 MR. HILL: Object to the form.</p>	<p style="text-align: right;">Page 40</p> <p>1 MR. HILL: Same objection.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I -- I don't know if that was required or</p> <p>4 not.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. So beginning in 2013, February of 2013,</p> <p>7 you became a manager of the southern operation for</p> <p>8 pharmaceutical integrity, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And you understand that pharmaceutical</p> <p>11 integrity was charged with creating, designing,</p> <p>12 implementing a system to identify suspicious orders,</p> <p>13 amongst other issues, correct?</p> <p>14 A. I -- well, we didn't -- we were involved</p> <p>15 in the creation and design, but it was collaborative</p> <p>16 with other teams. We did have a system in place to</p> <p>17 report suspicious orders at that time.</p> <p>18 Q. Now, let's keep going on that issue then.</p> <p>19 What -- what system did you have in place</p> <p>20 to report suspicious orders at the time you started</p> <p>21 with pharmaceutical integrity?</p> <p>22 A. So, it's called the Controlled Substance</p> <p>23 Order Monitoring program, or CSOM.</p> <p>24 Q. And what was that?</p>
<p style="text-align: right;">Page 39</p> <p>1 BY THE WITNESS:</p> <p>2 A. Generally, yes.</p> <p>3 BY MR. MOUGEY:</p> <p>4 Q. And do you understand that the</p> <p>5 responsibilities that Walgreen -- Walgreens had in its</p> <p>6 role as a distributor in Schedule II and Schedule III</p> <p>7 opiates were important?</p> <p>8 MR. HILL: Same objection.</p> <p>9 BY THE WITNESS:</p> <p>10 A. Yes.</p> <p>11 BY MR. MOUGEY:</p> <p>12 Q. And do you understand that part of</p> <p>13 Walgreens' responsibilities as a distributor in</p> <p>14 relation to Schedule II and Schedule III opiates were</p> <p>15 to design a system to monitor for suspicious orders?</p> <p>16 MR. HILL: Objection to form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I'm sorry. Can you restate the question?</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. Certainly.</p> <p>21 Do you understand that part of Walgreens'</p> <p>22 responsibilities as a distributor in relation to</p> <p>23 Schedule II and Schedule III opiates were to design a</p> <p>24 system to monitor for suspicious orders?</p>	<p style="text-align: right;">Page 41</p> <p>1 A. It is a piece of software that works in</p> <p>2 conjunction with our ordering system to track and</p> <p>3 monitor controlled substance orders.</p> <p>4 Q. And what would the software do to track</p> <p>5 and monitor controlled substance orders?</p> <p>6 A. I don't know all of the details of how the</p> <p>7 software works, but I know that it would look at a</p> <p>8 pharmacy's relative size in terms of how many</p> <p>9 prescriptions per day it sold and then compare that to</p> <p>10 other similarly-sized stores to try to develop an</p> <p>11 average for each product, and that would be a target</p> <p>12 that -- what that store should dispense.</p> <p>13 Q. And you're referring to, for example, a</p> <p>14 ceilings or thresholds?</p> <p>15 A. I believe that's how the ceilings and</p> <p>16 thresholds are determined, yes.</p> <p>17 Q. And do you have an understanding if a</p> <p>18 order exceeded a ceiling or a threshold, if that order</p> <p>19 was shipped?</p> <p>20 A. If an order exceeded a ceiling or</p> <p>21 threshold, the system should flag it and it should not</p> <p>22 be shipped.</p> <p>23 Q. And do you have an understanding, sir, of</p> <p>24 the order that exceeded the ceiling and threshold and</p>

<p style="text-align: right;">Page 42</p> <p>1 wasn't shipped, whether or not that order was reported 2 to the DEA as a suspicious order? 3 MR. HILL: Object to the form. 4 BY THE WITNESS: 5 A. My understanding is if it -- if there was 6 a manual order that exceeded the ceiling or threshold, 7 we would flag that order and then we would reach out 8 to the store and ask for additional details about why 9 they are trying to order that product, and in some 10 cases it might be reported as suspicious. 11 BY MR. MOUGEY: 12 Q. If it -- well, let's go through that in a 13 little more detail. 14 So, is it your testimony that if an order 15 exceeded a ceiling or threshold and wasn't shipped, 16 was it reported to the DEA? 17 MR. HILL: Objection to form and vague. 18 BY THE WITNESS: 19 A. It would depend on the subsequent 20 investigation as to whether or not it would be -- 21 BY MR. MOUGEY: 22 Q. Can -- 23 A. -- reported. 24 Q. Sorry. I didn't mean to interrupt you.</p>	<p style="text-align: right;">Page 44</p> <p>1 understanding of what period of time that decision 2 tree analysis you just walked me through was in place 3 at Walgreens? 4 A. That one, I believe, was from the time 5 that the CSOM was in place until -- for the store that 6 created the order they were no longer receiving 7 product from Walgreens. So as they transitioned from 8 our distribution centers to ABC Drug Company. 9 Q. All right. So when do -- do you have an 10 understanding of when that CSOM was initiated or -- or 11 started? 12 A. It was sometime before I started. I don't 13 know the exact date. I think it was October of the 14 previous year, 2012, but I -- I don't know the -- 15 Q. October of 2012? 16 A. I believe. 17 Q. Okay. 18 A. I don't know the exact date, though. 19 Q. So when you said the October before I 20 started, you mean the October before you started in 21 pharmaceutical integrity? 22 A. Correct. 23 Q. All right. So prior to this October '12 24 CSOM, do you have an understanding of what was in</p>
<p style="text-align: right;">Page 43</p> <p>1 Were you finished? 2 A. Um-hum. 3 Q. Walk -- when you say it depends on the -- 4 the investigation, walk me through kind of the -- do 5 you understand what a decis- -- decision tree is? 6 A. Yes. 7 Q. Walk me through the decision tree of 8 whether or not an order that exceeded the ceiling or 9 threshold was reported to the DEA or not reported to 10 the DEA? 11 MR. HILL: Same objections. 12 Go ahead. 13 BY THE WITNESS: 14 A. So to my knowledge what would occur would 15 be that we would send a e-mail to the store saying 16 that your order has been flagged for exceeding the 17 limits. I don't think we would call out exactly what 18 they were. The store would then contact us and if 19 they provided a legitimate reason why they needed the 20 additional product, we would not report them. If they 21 don't reply or their answer is unsatisfactory, we 22 would report it as suspicious. 23 BY MR. MOUGEY: 24 Q. And what period of time, do you have an</p>	<p style="text-align: right;">Page 45</p> <p>1 place at Walgreens? 2 A. Not a -- not a good one. 3 Q. Okay. Tell me your -- your general 4 understanding of what was in place prior to October 5 of 2012? 6 A. I know there were -- 7 MR. HILL: Object to form. 8 THE WITNESS: Sorry. 9 BY THE WITNESS: 10 A. I know that there were some reports that 11 were looked at. I know that the DCs performed some 12 review, but I don't know what basis or what process 13 they used to conduct that review. 14 BY MR. MOUGEY: 15 Q. When you say the DCs performed some 16 review, you are referring to distribution centers? 17 A. Yes. 18 Q. And can you explain what -- what your 19 knowledge is about when a distribution center 20 performed review? 21 A. Very limited. I -- I've just heard people 22 mention that they reviewed it. I don't know what -- 23 any further details, really. 24 Q. When you say you've heard people mention,</p>

<p style="text-align: right;">Page 46</p> <p>1 what do you mean?</p> <p>2 A. Just through the last five years of this</p> <p>3 job, I've heard it referenced by the inventory teams</p> <p>4 or -- or other groups.</p> <p>5 Q. Anyone in particular?</p> <p>6 A. I don't recall.</p> <p>7 Q. So let's go back to Bratton 2.</p> <p>8 You understand, sir, that there are</p> <p>9 regulations from the Federal Government that set</p> <p>10 responsibilities for distributors under the Code of</p> <p>11 Federal Regulations?</p> <p>12 A. Correct.</p> <p>13 Q. And what I have in front of you, sir, is</p> <p>14 21 Code of Federal Reg- -- Regulation, CFR,</p> <p>15 Section 1301.74.</p> <p>16 Do you see that, sir?</p> <p>17 A. Yes.</p> <p>18 Q. And it's titled "Other Security Controls</p> <p>19 for Non-Practitioners; Nar" -- "Narcotic Treatment</p> <p>20 Programmers" -- "Programs" -- I'm sorry -- "and</p> <p>21 Compounders for Nar" -- "Narcotic Treatment Programs."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And under Section B, it says:</p>	<p style="text-align: right;">Page 48</p> <p>1 You see in the first sentence, sir, that</p> <p>2 it identifies "orders of controlled substances,"</p> <p>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. Do you have an understanding that -- that</p> <p>6 this section is referring to a system designed to</p> <p>7 identify suspicious orders as opposed to suspicious</p> <p>8 shipments?</p> <p>9 MR. HILL: Object to the form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. It -- it appears that way, yeah.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. And if you look at the next sentence:</p> <p>14 "The registrant shall inform the field</p> <p>15 division office of the administration in his area of</p> <p>16 suspicious orders when discovered by the registrant."</p> <p>17 Do you see that, sir?</p> <p>18 A. Yes.</p> <p>19 Q. And "when discovered by the registrant,"</p> <p>20 do you have an understanding of what timeframe that</p> <p>21 means?</p> <p>22 MR. HILL: Objection to the form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I -- I don't know what they mean by</p>
<p style="text-align: right;">Page 47</p> <p>1 "The registrant shall design and operate a</p> <p>2 system to disclose to the registrant suspicious orders</p> <p>3 of controlled substances."</p> <p>4 Did I read that first sentence right?</p> <p>5 A. Yes.</p> <p>6 Q. Now, as an employee of Walgreens, do you</p> <p>7 believe that Walgreens had a system designed to</p> <p>8 identify suspicious orders of controlled substances?</p> <p>9 MR. HILL: Object to the form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. At -- at what time?</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. From the time you began in pharmaceutical</p> <p>14 integrity.</p> <p>15 A. From the time I began, yes.</p> <p>16 Q. All right. Do you believe that Walgreens</p> <p>17 had a system in place designed to identify suspicious</p> <p>18 orders of controlled substances prior to you starting</p> <p>19 at pharmaceutical -- or in pharmaceutical integrity?</p> <p>20 MR. HILL: Ob- -- objection to the form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I don't know.</p> <p>23 BY MR. MOUGEY:</p> <p>24 Q. You don't know.</p>	<p style="text-align: right;">Page 49</p> <p>1 discovered.</p> <p>2 BY MR. MOUGEY:</p> <p>3 Q. Well, do you have an understanding or how</p> <p>4 did you interpret that when -- what -- when discovered</p> <p>5 means?</p> <p>6 MR. HILL: Objection to form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I don't know. From the -- I don't know.</p> <p>9 BY MR. MOUGEY:</p> <p>10 Q. The third sentence:</p> <p>11 "Suspicious orders include orders of</p> <p>12 unusual size, orders deviating substantially from a</p> <p>13 normal pattern, and orders of unusual frequency."</p> <p>14 Do you see that, sir?</p> <p>15 A. Yes.</p> <p>16 Q. Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. And -- and do you understand that that is</p> <p>19 Walgreens' responsibility to have a system to identify</p> <p>20 orders deviating substantial from the normal pattern</p> <p>21 and orders of unusual frequency, correct, sir?</p> <p>22 MR. HILL: Objection to the form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I -- I don't know. I mean, I see that</p>

<p style="text-align: right;">Page 50</p> <p>1 that's what that says here.</p> <p>2 BY MR. MOUGEY:</p> <p>3 Q. But no one has ever told you that's the</p> <p>4 responsibility at -- of Walgreens during your tenure</p> <p>5 at Walgreens?</p> <p>6 A. No.</p> <p>7 MR. HILL: Objection.</p> <p>8 Hold on one second. Sorry. I ask you not</p> <p>9 to -- counsel you not to disclose any attorney client</p> <p>10 privileged communication you might have had about that</p> <p>11 subject.</p> <p>12 BY THE WITNESS:</p> <p>13 A. So we -- we rely on our regulatory law</p> <p>14 group to guide us. You know, I'm not an attorney and</p> <p>15 there is a variety of case law and regulations and</p> <p>16 state and federal. So we rely on their guidance on</p> <p>17 how to proceed as it relates to the patchwork of</p> <p>18 regulations that we have to comply with.</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. Sure.</p> <p>21 And you relied on that regulatory law</p> <p>22 group about the details of the regulatory framework?</p> <p>23 A. Correct.</p> <p>24 Q. And so when you had a question about the</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. How often did you interact on a, say, a</p> <p>2 monthly basis with any lawyers at Walgreens regarding</p> <p>3 the details of the regulatory framework regarding to</p> <p>4 the monitoring -- related to the monitoring of</p> <p>5 controlled substances?</p> <p>6 MR. HILL: And Mr. -- Mr. Bratton, just don't</p> <p>7 disclose any of the actual communications. This is</p> <p>8 just a question about timing and the numbers of</p> <p>9 communications.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I -- I don't recall. At the time I</p> <p>12 started I can tell you that we talked with them</p> <p>13 frequently on a variety of issues. I don't recall</p> <p>14 exactly on this one five years ago how often I spoke</p> <p>15 with them.</p> <p>16 BY MR. MOUGEY:</p> <p>17 Q. In that frequently on a variety of issues</p> <p>18 related to the details of the regulatory framework</p> <p>19 covering controlled -- monitoring of controlled</p> <p>20 substances?</p> <p>21 A. Monitoring of controlled substances,</p> <p>22 reporting of controlled substance loss, controlled</p> <p>23 substance dispensing, et cetera.</p> <p>24 Q. Now, on those details that you talked to</p>
<p style="text-align: right;">Page 51</p> <p>1 details of the regulatory framework, you would contact</p> <p>2 the regulatory law group.</p> <p>3 Does that make sense?</p> <p>4 MR. HILL: Objection to the form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. Correct.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. And so part of your training about the</p> <p>9 details of this CFR we just went through, 1301.74, was</p> <p>10 training from the regulatory law group, correct?</p> <p>11 A. I don't know that I would -- training per</p> <p>12 se, but as -- as I started in the role, I know that we</p> <p>13 were trying to report suspicious orders for RDCs.</p> <p>14 Q. I understand. That's not what we are</p> <p>15 talking about right now. What we are talking about is</p> <p>16 your interaction with the regulatory law group and</p> <p>17 details about Section 1301.74.</p> <p>18 Do you see that?</p> <p>19 A. Um-hum.</p> <p>20 Q. So interpretations of what you mentioned</p> <p>21 of the -- I think you used the word "patchwork," case</p> <p>22 law, regs, DEA interpretations, you would rely on the</p> <p>23 regulatory group for those details?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 53</p> <p>1 the regulatory law group about, when you said</p> <p>2 frequently, is that twice a week, twice a day, just</p> <p>3 generally?</p> <p>4 A. Twice a week, probably.</p> <p>5 Q. And that was more in the beginning when</p> <p>6 you started with pharmaceutical integrity?</p> <p>7 A. I think it continues to this day. Maybe</p> <p>8 not on this topic as much.</p> <p>9 Q. So a couple times a week you would</p> <p>10 interact with the regulatory law group about the</p> <p>11 details of Walgreens' control monitoring system?</p> <p>12 A. Or details or specific incidents that</p> <p>13 might arise, et cetera.</p> <p>14 Q. And -- and it's important for you as a</p> <p>15 manager of the southern operation to have an</p> <p>16 understanding of the regulatory framework covering</p> <p>17 Walgreens' responsibilities in relation to monitoring</p> <p>18 of controlled substances, correct?</p> <p>19 MR. HILL: Object to the form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I -- I think for our group it was</p> <p>22 important to execute the tasks and the -- the -- the</p> <p>23 programs we've been implement -- charged with. I</p> <p>24 don't know that I need to understand the law to</p>

<p style="text-align: right;">Page 54</p> <p>1 understand what we needed to do.</p> <p>2 BY MR. MOUGEY:</p> <p>3 Q. The question I asked you was a little</p> <p>4 different. What I asked was: Is it important for you</p> <p>5 as a manager of the southern operation to have an</p> <p>6 understanding of the regulatory framework covering</p> <p>7 Walgreens' responsibilities in relation to monitoring</p> <p>8 of Schedule II and Schedule III opiates?</p> <p>9 MR. HILL: Object to the form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I -- I don't know how to answer that</p> <p>12 question.</p> <p>13 BY MR. MOUGEY:</p> <p>14 Q. What's confusing to you about that</p> <p>15 question? Is it important that you understand the</p> <p>16 regulatory framework?</p> <p>17 MR. HILL: Same objection.</p> <p>18 BY THE WITNESS:</p> <p>19 A. I think I have a general concept, but I</p> <p>20 don't think I'm an expert on all of the issues at</p> <p>21 every level of government, no.</p> <p>22 BY MR. MOUGEY:</p> <p>23 Q. Yeah, I don't -- I don't think I asked you</p> <p>24 about whether you were an expert at every level of</p>	<p style="text-align: right;">Page 56</p> <p>1 paragraph in your LinkedIn profile, correct?</p> <p>2 A. This is copied from my job posting.</p> <p>3 Q. Yes, sir. So you put this in there,</p> <p>4 right?</p> <p>5 A. I copy and pasted, yes.</p> <p>6 Q. You copied it. And it's accurate,</p> <p>7 correct?</p> <p>8 A. I believe so.</p> <p>9 Q. So Bratton 1, your profile: "Responsible</p> <p>10 for managing, creating, and maintaining controlled</p> <p>11 substance dispensing, monitoring and reporting</p> <p>12 programs."</p> <p>13 Is that accurate, sir?</p> <p>14 A. Yes.</p> <p>15 Q. And that was part of the scope of your</p> <p>16 responsibilities from February '13 on?</p> <p>17 A. Correct.</p> <p>18 Q. Second sentence:</p> <p>19 "Developed, recommends, implements</p> <p>20 programs, procedures and techniques which will</p> <p>21 identify and minimize loss of company assets and</p> <p>22 ensure the safety, compliance and security of the</p> <p>23 ordering and dispensing of controlled substances,"</p> <p>24 correct?</p>
<p style="text-align: right;">Page 55</p> <p>1 government. What I asked was is it important as a</p> <p>2 manager of the southern operation for Walgreens in</p> <p>3 pharmaceutical integrity to understand, just</p> <p>4 generally, the regulatory framework covering</p> <p>5 Walgreens' responsibilities in relation to monitoring</p> <p>6 Schedule II and Schedule III opiates?</p> <p>7 MR. HILL: Objection to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I'm not sure.</p> <p>10 BY MR. MOUGEY:</p> <p>11 Q. Has someone instructed you to -- to say</p> <p>12 "I'm not sure" to questions about what Walgreens'</p> <p>13 responsibilities were?</p> <p>14 A. No.</p> <p>15 Q. Have you been told just to -- if -- if</p> <p>16 anyone asks you about what Walgreens' responsibilities</p> <p>17 were, just to say I'm not sure?</p> <p>18 A. I'm trying to answer truthfully.</p> <p>19 Q. Well, let's go back to Bratton 1, okay.</p> <p>20 Manager of pharmaceutical integrity,</p> <p>21 southern operation, February 2013 to the present,</p> <p>22 right?</p> <p>23 A. Um-hum.</p> <p>24 Q. Okay. Now, you -- you put this next</p>	<p style="text-align: right;">Page 57</p> <p>1 A. Correct.</p> <p>2 Q. Now, when you say controlled substances</p> <p>3 in -- in this paragraph, that is a number of different</p> <p>4 types of drugs, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And you understand that this litigation is</p> <p>7 about Schedule II and Schedule III opiates, correct,</p> <p>8 sir?</p> <p>9 A. Correct.</p> <p>10 Q. And you understand, sir, in your role as</p> <p>11 manager of the southern operation that those</p> <p>12 Schedule II and Schedule III opiates are highly</p> <p>13 addictive, correct?</p> <p>14 MR. HILL: Object to the form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. My understanding is they can be addictive</p> <p>17 for some people.</p> <p>18 BY MR. MOUGEY:</p> <p>19 Q. Yes, sir, they can be addictive to some</p> <p>20 people.</p> <p>21 And did you understand in February</p> <p>22 of 2013, that the country was in the midst of an</p> <p>23 opiate crisis?</p> <p>24 MR. HILL: Object to the form.</p>

<p style="text-align: right;">Page 58</p> <p>1 BY THE WITNESS:</p> <p>2 A. I believe that I was becoming aware of it,</p> <p>3 yes.</p> <p>4 BY MR. MOUGEY:</p> <p>5 Q. And how did you become aware of that in</p> <p>6 February of 2013?</p> <p>7 A. Partially through my -- my work,</p> <p>8 partially, you know, you -- the news and things you</p> <p>9 see on television.</p> <p>10 Q. Well, let's talk about the partially</p> <p>11 because of your work.</p> <p>12 How at work did you become aware that in</p> <p>13 2013 the country was in the middle of an opiate</p> <p>14 crisis?</p> <p>15 A. I don't recall the specific details. I</p> <p>16 know that we -- it was something that was, you know,</p> <p>17 in our minds as we were drafting our policies and</p> <p>18 procedures.</p> <p>19 Q. It was in your mind.</p> <p>20 Help -- help me to understand how it got</p> <p>21 in your mind?</p> <p>22 A. Direction from my boss --</p> <p>23 Q. Ms. Polster?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 60</p> <p>1 BY MR. MOUGEY:</p> <p>2 Q. You don't recall. You don't recall</p> <p>3 walking in the first month of my job and somebody</p> <p>4 saying, We are in the middle of an opiate crisis,</p> <p>5 people are dying every day, Florida is the hot bed,</p> <p>6 you are in charge of the southern operation, there is</p> <p>7 drugs migrating up to Ohio, and it is our job as</p> <p>8 distributors to monitor and identify controlled</p> <p>9 substances?</p> <p>10 Anything along those lines?</p> <p>11 MR. HILL: Objection to the form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I don't recall.</p> <p>14 BY MR. MOUGEY:</p> <p>15 Q. Anything saying this is -- this is very,</p> <p>16 very, very important that we are on the front line of</p> <p>17 defense for Walgreens and we dispense as -- as many --</p> <p>18 or more opiates than anyone in the country?</p> <p>19 A. I don't recall.</p> <p>20 Q. You don't recall any meetings with a sense</p> <p>21 of urgency like that?</p> <p>22 A. I -- when I first was in the role, we were</p> <p>23 very focused on the settlement with the DEA and the</p> <p>24 provisions that our legal teams had outlined that we</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. And when you say "direction," what do you</p> <p>2 mean?</p> <p>3 A. We would meet in meetings with our -- my</p> <p>4 peers or our team members and discuss issues and she</p> <p>5 would provide direction as to programs we should work</p> <p>6 on.</p> <p>7 Q. Did anybody ever tell you that there had</p> <p>8 been ongoing congressional investigations into the</p> <p>9 opiate crisis almost 13 years by the time you started</p> <p>10 in 2013?</p> <p>11 A. No.</p> <p>12 Q. Did anybody tell you that there was year</p> <p>13 upon year upon year increase in the amount of opiates</p> <p>14 dispensed across the country?</p> <p>15 A. I knew that. I don't know that anyone at</p> <p>16 work told me that.</p> <p>17 Q. Did anyone ever as part of your training</p> <p>18 advise you that the amount of deaths had increased,</p> <p>19 overdose deaths related to Schedule II and</p> <p>20 Schedule III opiates had increased exponentially</p> <p>21 beginning in late '90s, early 2000s?</p> <p>22 MR. HILL: Objection to the form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I don't recall.</p>	<p style="text-align: right;">Page 61</p> <p>1 needed to implement. That was one of the critical</p> <p>2 focuses at that time.</p> <p>3 Q. And the -- in the midst of the</p> <p>4 investigations by the DEA, what are you referring to?</p> <p>5 A. The -- when I was there, it was the</p> <p>6 settlement agreement that we had signed and so we</p> <p>7 received a laundry list of -- of tasks and programs</p> <p>8 and changes that we were working to implement.</p> <p>9 Q. And that was in -- the agreement was</p> <p>10 signed.</p> <p>11 Do you have a recollection of when the</p> <p>12 agreement was signed?</p> <p>13 A. Shortly after I started.</p> <p>14 Q. Like in June of 2013?</p> <p>15 A. That sounds right.</p> <p>16 Q. Were -- did anyone alert you or notify you</p> <p>17 from your date in February of '13 until the date the</p> <p>18 agreement was signed about the ongoing investigations?</p> <p>19 A. We were in discussions about the terms of</p> <p>20 the settlement and what that might include. Some of</p> <p>21 the things that the government had already outlined</p> <p>22 that we had committed to.</p> <p>23 Q. Including the closing of six Walgreens'</p> <p>24 stores in Florida, correct?</p>

<p style="text-align: right;">Page 62</p> <p>1 MR. HILL: Objection to the form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I don't know if I knew that at that time.</p> <p>4 BY MR. MOUGEY:</p> <p>5 Q. Including these -- the requirement that</p> <p>6 six Walgreens' pharmacies were no longer dispensing</p> <p>7 Schedule II and Schedule III narcotics?</p> <p>8 A. That was included in the eventual</p> <p>9 settlement, but I don't know if I knew that that was a</p> <p>10 condition at that time.</p> <p>11 Q. Were you a -- are you aware that there was</p> <p>12 a -- a distribution center in Jupiter, Florida,</p> <p>13 correct?</p> <p>14 A. I -- once I was in this role, yes.</p> <p>15 Q. As of February of 2013, were -- were you</p> <p>16 aware that that Jupiter distribution center was part</p> <p>17 of the investigation?</p> <p>18 A. I knew that they were no longer dispensing</p> <p>19 and that there had been an order to show cause.</p> <p>20 Q. So let's go back to Branton -- I'm</p> <p>21 sorry -- Branton 2.</p> <p>22 You have a general understanding that</p> <p>23 Walgreens is charged with implementing a system</p> <p>24 designed to identify suspicious orders, correct?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. And orders of unusual frequency?</p> <p>2 A. Correct.</p> <p>3 Q. Do you have an understanding in February</p> <p>4 of 2013 what Walgreens had been doing to perform due</p> <p>5 diligence once an order had been identified as</p> <p>6 suspicious?</p> <p>7 MR. HILL: Objection to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. As of the implementation of the CSOM or</p> <p>10 before that?</p> <p>11 BY MR. MOUGEY:</p> <p>12 Q. Let's start with that.</p> <p>13 From October of 2012 until February of '13</p> <p>14 when you started at pharmaceutical integrity, do you</p> <p>15 have an understanding of what Walgreens was doing to</p> <p>16 perform due diligence on suspicious orders?</p> <p>17 A. I believe so, yes.</p> <p>18 Q. And what was that understanding?</p> <p>19 A. So, if the -- we established a -- a</p> <p>20 ceiling and tolerance for each product at each</p> <p>21 location and if an order was attempted to be placed by</p> <p>22 a store that exceeded that, we would then investigate</p> <p>23 why that order was placed, and if it was deemed to be</p> <p>24 suspicious, we would report it to the DEA. Also, if</p>
<p style="text-align: right;">Page 63</p> <p>1 A. General --</p> <p>2 MR. HILL: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Generally, yes.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. Do you have an understanding that -- a</p> <p>7 general understanding that Walgreens was required to</p> <p>8 report suspicious orders to the DEA?</p> <p>9 MR. HILL: Same objection.</p> <p>10 BY THE WITNESS:</p> <p>11 A. Generally, yes.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. And that suspicious orders include orders</p> <p>14 of unusual size, correct?</p> <p>15 MR. HILL: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Yes.</p> <p>18 BY MR. MOUGEY:</p> <p>19 Q. Orders deviating substantially from a</p> <p>20 norther -- normal pattern?</p> <p>21 MR. HILL: Same objection.</p> <p>22 BY MR. MOUGEY:</p> <p>23 Q. Correct?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 65</p> <p>1 the store did not reply, we would report it to the</p> <p>2 DEA.</p> <p>3 Q. Do you have an understanding where that</p> <p>4 due diligence, beginning in October of '12 on, was</p> <p>5 kept or stored once performed by Walgreens?</p> <p>6 MR. HILL: Ob- -- objection to the form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Some of it is kept in the notes in the</p> <p>9 CSOM system, some of it might also be in e-mail or --</p> <p>10 or the steps we took to investigate?</p> <p>11 BY MR. MOUGEY:</p> <p>12 Q. Yes, sir.</p> <p>13 A. Yeah, they might be e-mails or phone calls</p> <p>14 that were conducted or notes that were placed in the</p> <p>15 CSOM system.</p> <p>16 Q. If it's not in the CSO -- CSOM system,</p> <p>17 where was the memorialization of those notes or phone</p> <p>18 calls from the investigation, you called it?</p> <p>19 MR. HILL: Ob- -- objection to the form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. On -- I don't know. I mean, it could</p> <p>22 be -- as I said, it could be in an e-mail, it could be</p> <p>23 in discussions that we had, but I don't know that</p> <p>24 if -- if we didn't document it in that system, I don't</p>

<p style="text-align: right;">Page 66</p> <p>1 know where else we would have documented it. But that 2 doesn't necessarily mean it didn't occur. 3 BY MR. MOUGEY: 4 Q. Do you have a general understanding of the 5 suspicious order monitoring policies in place at 6 Walgreens prior to the CSOM in October of 2012? 7 A. Not really. 8 Q. Not really or -- or none? 9 MR. HILL: Objection to form, asked and 10 answered. 11 BY THE WITNESS: 12 A. Very little understanding prior to the -- 13 2012. 14 BY MR. MOUGEY: 15 Q. Ex- -- explain to me what you understood 16 was in place prior to the CSOM policy in October 17 of 2012? 18 A. I know that there were reports that were 19 generated and sent. I don't know the criteria for how 20 those were produced. I know that DC staff would look 21 at orders, but I don't know what order criteria they 22 used to -- to look at those orders. 23 Q. When you say orders were generated and 24 sent, sent to whom?</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. And do you know when Eric Stahmann 2 started? 3 A. I don't. I -- it was a few months, I 4 think, before me. 5 Q. A month or two before you? 6 A. I don't know the exact timeframe. I know 7 it was shortly before I did. In that -- 8 Q. Did Ms. -- go ahead. 9 A. In that role. 10 Q. Was Ms. Daugherty part of that role of 11 developing and -- the system to identify suspicious 12 orders? 13 A. I don't know. I think she may have 14 started after me, but I don't -- I don't know for 15 sure. 16 Q. How well do you know Eric Stahmann? 17 A. I mean, I've worked with him for some 18 number of years. I know him, you know, a medium 19 amount, I guess, I don't know. 20 Q. There's four managers in pharmaceutical 21 integrity, correct? 22 A. Well, there are three managers and then 23 our -- our boss, so... 24 Q. And at inception in early '13, there were</p>
<p style="text-align: right;">Page 67</p> <p>1 A. I believe DEA field offices. 2 Q. But you are not sure? 3 A. I'm not sure. 4 Q. Who would know? 5 A. Denny Murray from our inventory team, I 6 believe, or Barb Martin. Probably. I believe. I 7 don't know. Maybe others on those teams. 8 Q. Well, when you started in -- in February 9 of '13 in pharmaceutical integrity and your charge was 10 creating a system for identifying suspicious orders, 11 did you go back and look at what history -- Walgreens 12 had done historically? 13 A. There had already been a substantial 14 amount of effort put into the new system. It was 15 already up and running before I started, so I did not, 16 no. 17 Q. It was up and running by February of '13? 18 A. Yes. 19 Q. And who had done that substantial amount 20 of work before you got there? 21 A. I think that would be Tasha, I know Eric 22 started before I did, Eric Stahmann. Again, probably 23 Denny Murray, John Merritello, and Wayne Bancroft from 24 inventory teams.</p>	<p style="text-align: right;">Page 69</p> <p>1 four, correct? 2 A. Ah, correct, yes, I take that back. 3 Q. And Mr. Stahmann is one of those -- one of 4 those managers, whether it is three or four, correct? 5 A. Correct. 6 Q. And -- and you are one of those managers, 7 whether it is three or four, correct? 8 A. Correct. 9 Q. And both of you are responsible for 10 different geographic parts of the country, correct? 11 A. Correct. 12 Q. You all interact regularly, I would 13 assume, in your roles in pharmaceutical integrity, 14 correct? 15 A. Yes. 16 Q. You sit in meetings with him regularly, 17 correct? 18 A. Correct. 19 Q. You -- you talk about policies and 20 procedures in those meetings, correct? 21 A. Correct. 22 Q. You talk about once those reports are 23 generated that you all perform investigations as a 24 result, correct?</p>

<p style="text-align: right;">Page 70</p> <p>1 A. Correct.</p> <p>2 Q. You have significant interactions with</p> <p>3 him, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Would you consider him to be a subject</p> <p>6 matter expert in suspicious order monitoring?</p> <p>7 MR. HILL: Object to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. Prior to the system or -- or now?</p> <p>10 BY MR. MOUGEY:</p> <p>11 Q. Just when he started in early '13.</p> <p>12 MR. HILL: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I mean, I think he, as a -- you know, it</p> <p>15 was a new system and we were all learning the details.</p> <p>16 I would say I would characterize him as he knows a lot</p> <p>17 about the system today.</p> <p>18 BY MR. MOUGEY:</p> <p>19 Q. Okay. And today would you -- would you</p> <p>20 describe him as a subject matter expert in suspicious</p> <p>21 order monitoring policies?</p> <p>22 MR. HILL: Objection to form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. Based on the CSOM, yes.</p>	<p style="text-align: right;">Page 72</p> <p>1 company policy applicable to controlled substances to</p> <p>2 the appropriate business units and director,</p> <p>3 pharmaceutical integrity."</p> <p>4 Correct, sir?</p> <p>5 A. Correct.</p> <p>6 Q. Did I read that right?</p> <p>7 A. Yes.</p> <p>8 Q. And, sir, you believe that you are armed</p> <p>9 with enough knowledge at Walgreens through your</p> <p>10 training to fulfill the scope of your responsibilities</p> <p>11 as manager of pharmaceutical integrity, correct?</p> <p>12 A. I believe so.</p> <p>13 Q. Would you help me to understand what about</p> <p>14 your background at Walgreens as a quality analyst and</p> <p>15 quality analyst- -- analytic supervisor prepared you</p> <p>16 for your role monitoring for suspicious orders,</p> <p>17 performing due diligence or investigating those</p> <p>18 orders, and reporting those to the DEA?</p> <p>19 A. Sure.</p> <p>20 So in that role I was responsible for</p> <p>21 developing metrics and measurement systems, and I</p> <p>22 think that's a lot of in- -- the initial work that I</p> <p>23 did in pharmaceutical integrity. So how can you</p> <p>24 monitor if you don't have data and insights into</p>
<p style="text-align: right;">Page 71</p> <p>1 MR. HILL: Peter, whenever you get to a decent</p> <p>2 breaking point. We've been about an hour.</p> <p>3 MR. MOUGEY: That's fine.</p> <p>4 MR. HILL: It's up to you.</p> <p>5 MR. MOUGEY: If you want. I mean, we started</p> <p>6 about 9:15, but if you want to take a break, we can.</p> <p>7 Can we just do a quick one, five minutes?</p> <p>8 MR. HILL: Sure, sure.</p> <p>9 MR. MOUGEY: Thank you.</p> <p>10 MR. HILL: Don't forget this.</p> <p>11 THE VIDEOGRAPHER: Going off the record at</p> <p>12 10:08 a.m.</p> <p>13 (WHEREUPON, a recess was had</p> <p>14 from 10:08 to 10:20 a.m.)</p> <p>15 THE VIDEOGRAPHER: We are back on the record at</p> <p>16 10:20 a.m.</p> <p>17 BY MR. MOUGEY:</p> <p>18 Q. Sir, if we can go back to Bratton 1,</p> <p>19 your -- the LinkedIn CV.</p> <p>20 A. Um-hum.</p> <p>21 Q. The last sentence underneath of your</p> <p>22 Manager of Pharmaceutical Integrity:</p> <p>23 "Responsible for investigating and</p> <p>24 reporting potential violations of laws, regulations or</p>	<p style="text-align: right;">Page 73</p> <p>1 what's happening.</p> <p>2 Also, I spent a lot of time looking at</p> <p>3 transactions and the sequence in which prescriptions</p> <p>4 were filled, and so I think that expanded out to, you</p> <p>5 know, that could be applicable to the process of how</p> <p>6 we fill and order controlled substance prescriptions.</p> <p>7 Q. Let's talk about the sequence for a</p> <p>8 second.</p> <p>9 What -- why would the sequence of which</p> <p>10 the order in which prescriptions were filled be</p> <p>11 important?</p> <p>12 A. The transactions and procedures that are</p> <p>13 involved with filling all prescriptions also pertain</p> <p>14 to controlled substances.</p> <p>15 Q. Right. But why would the sequence be</p> <p>16 important?</p> <p>17 A. Oh, I -- I mean, you know, the steps that</p> <p>18 we have to take of verifying, reviewing prescriptions,</p> <p>19 consulting the doctor, consulting with the patient,</p> <p>20 the understanding of those helped understand the due</p> <p>21 diligence and professional judgment of the pharmacists</p> <p>22 and how they carry out the filling of scripts.</p> <p>23 Q. What you specifically said, "I spent a lot</p> <p>24 of time looking at transactions and the sequence in</p>

<p style="text-align: right;">Page 74</p> <p>1 which prescriptions were filled."</p> <p>2 Correct, sir?</p> <p>3 A. Correct.</p> <p>4 Q. And you -- you stand by that statement,</p> <p>5 correct, sir?</p> <p>6 MR. HILL: Object to the form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Yes.</p> <p>9 BY MR. MOUGEY:</p> <p>10 Q. Why is the sequence in which prescriptions</p> <p>11 were filled important in pharmaceutical integrity?</p> <p>12 A. In -- well, it was important more to my</p> <p>13 previous role. In pharmaceutical integrity I think it</p> <p>14 would tell us about where and when we could insert</p> <p>15 control points. You know, for instance, we had a</p> <p>16 checklist. And so when should we do that checklist,</p> <p>17 should we do it at the beginning, should we do it with</p> <p>18 the patient, should we call the doctor, you know.</p> <p>19 So having an understanding of the</p> <p>20 production process of filling a prescription helped</p> <p>21 suggest or recommend places to implement different</p> <p>22 processes.</p> <p>23 Q. Because calling the doctor or the</p> <p>24 prescriber is an important part of the equation at</p>	<p style="text-align: right;">Page 76</p> <p>1 A. Do you mean a prescription?</p> <p>2 BY MR. MOUGEY:</p> <p>3 Q. Yes, sir.</p> <p>4 A. So, I know that pharmacists in the</p> <p>5 exercise of their professional judgment may consider</p> <p>6 the scope of practice of the prescriber and</p> <p>7 conversations as to whether or not a prescription is</p> <p>8 legitimate or -- or should be filled.</p> <p>9 Q. Now, if you go back to B-1, in that last</p> <p>10 sentence:</p> <p>11 "Responsible for investigating and</p> <p>12 reporting potential violations of laws, regulations or</p> <p>13 company policies."</p> <p>14 Right?</p> <p>15 A. Correct.</p> <p>16 Q. So to kind of recap this morning, filling</p> <p>17 in the holes of your LinkedIn CV here, prior to 10 of</p> <p>18 2012, you have no detailed understanding of the</p> <p>19 criteria used to identify suspicious orders at</p> <p>20 Walgreens, correct?</p> <p>21 MR. HILL: Objection to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. No detailed understanding.</p> <p>24 BY MR. MOUGEY:</p>
<p style="text-align: right;">Page 75</p> <p>1 Walgreens to determine whether or not an order is</p> <p>2 suspicious, correct?</p> <p>3 MR. HILL: Object to the form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. It can be a contributing factor.</p> <p>6 BY MR. MOUGEY:</p> <p>7 Q. Yes, sir. And -- and let me broaden that</p> <p>8 up, when I said calling the doctor.</p> <p>9 Understanding the doctor as the prescriber</p> <p>10 is an important part of the equation at Walgreens when</p> <p>11 determining whether or not an order is suspicious,</p> <p>12 correct?</p> <p>13 MR. HILL: Object to the form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. Maybe I'm -- I'm -- I'm not clear on the</p> <p>16 question. I'm sorry. Can you elaborate?</p> <p>17 BY MR. MOUGEY:</p> <p>18 Q. Understanding a specific doctor's type of</p> <p>19 business is an important part of the equation at</p> <p>20 Walgreens when determining whether or not an order for</p> <p>21 Schedule II or Schedule III narcotics is suspicious,</p> <p>22 correct?</p> <p>23 MR. HILL: Objection to the form.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. And prior to October 2012, you have no</p> <p>2 understanding what group at Walgreens was responsible</p> <p>3 for performing investigation or due diligence on those</p> <p>4 suspicious orders, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And so prior to October of 2012, you have</p> <p>7 no understanding of what reports, if any, were sent to</p> <p>8 the DEA reporting suspicious orders, correct?</p> <p>9 A. I have an awareness that there were</p> <p>10 reports. I don't understand how they were compiled</p> <p>11 or -- or what -- or how or when they were sent.</p> <p>12 Q. You just have a general understanding that</p> <p>13 some reports were sent and that's it?</p> <p>14 A. Correct.</p> <p>15 Q. No -- no idea of how they were generated,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. No idea if there was a formula used to</p> <p>19 generate those reports, correct?</p> <p>20 MR. HILL: Objection to the form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Correct.</p> <p>23 BY MR. MOUGEY:</p> <p>24 Q. No idea if there was an algorithm used to</p>

<p style="text-align: right;">Page 78</p> <p>1 generate those reports, correct?</p> <p>2 A. Prior to '12 -- October of '12, correct.</p> <p>3 Q. No idea of whether or not they were done</p> <p>4 manually or as part of a -- a software program,</p> <p>5 correct?</p> <p>6 A. I know that there were people involved</p> <p>7 with the generation. I don't know if they were</p> <p>8 looking at manually running queries to determine that</p> <p>9 or if they looked at something system generated. I</p> <p>10 don't -- I don't know.</p> <p>11 Q. And, sir, do you have any understanding of</p> <p>12 whether or not due diligence was performed on those</p> <p>13 suspicious orders before they were shipped prior to</p> <p>14 2000 and -- October of 2012?</p> <p>15 A. I -- I don't know what was done.</p> <p>16 Q. You understand, sir, that in two weeks</p> <p>17 from today you are set to be deposed as the Walgreens'</p> <p>18 30(b)(6) representative on numerous issues, correct?</p> <p>19 A. Correct.</p> <p>20 MR. HILL: Objection to the form.</p> <p>21 BY MR. MOUGEY:</p> <p>22 Q. And you've been preparing for that</p> <p>23 testimony, correct, sir?</p> <p>24 MR. HILL: Objection to the form.</p>	<p style="text-align: right;">Page 80</p> <p>1 I'm not sure how to answer.</p> <p>2 MR. HILL: Because of a privilege issue?</p> <p>3 THE WITNESS: Potentially, yeah.</p> <p>4 MR. HILL: Okay. Then we'll need to take a</p> <p>5 break then and go through this.</p> <p>6 BY MR. MOUGEY:</p> <p>7 Q. Let's just -- let me restate the question.</p> <p>8 Have you been preparing, yes or no, as a</p> <p>9 30(b)(6) representative for Walgreens to be able to</p> <p>10 provide information on Walgreens' suspicious order</p> <p>11 monitoring policies and procedures covering the period</p> <p>12 at issue?</p> <p>13 MR. HILL: Objection to the form.</p> <p>14 Peter, here is the problem. To get -- for</p> <p>15 this witness to answer that question would require him</p> <p>16 to understand the different ways that he may have been</p> <p>17 preparing for this deposition, which will necessarily</p> <p>18 require him to disclose some of the information that</p> <p>19 had been shared with him with counsel.</p> <p>20 I'm not trying to be difficult, but I</p> <p>21 don't know how this witness is -- he is here today as</p> <p>22 a fact witness. He is certainly prepared to be here</p> <p>23 today to be a fact witness. And I'm concerned that</p> <p>24 this question is impossible to answer without</p>
<p style="text-align: right;">Page 79</p> <p>1 Also, you shouldn't be able to get into</p> <p>2 work product and -- and what he might have done to</p> <p>3 prepare for this, Peter. I don't know what you are</p> <p>4 asking for exactly here.</p> <p>5 MR. MOUGEY: I don't -- I didn't ask what he was</p> <p>6 preparing for.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. Sir, I simply asked you, have you been</p> <p>9 preparing for your deposition as a 30(b)(6)</p> <p>10 representative for Walgreens, part of which will</p> <p>11 include Walgreens' suspicious order monitoring</p> <p>12 policies and procedures?</p> <p>13 MR. HILL: I'm just going to object to the -- to</p> <p>14 the extent that calls for privileged information. I'd</p> <p>15 just caution you, sir, not to reveal any</p> <p>16 communications that you've had with counsel or the</p> <p>17 substance of those communications in any answer you</p> <p>18 give to this gentleman's question.</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. Okay. For the -- do you want me to repeat</p> <p>21 the question for you or do you have it?</p> <p>22 A. Yes.</p> <p>23 Q. Yes, you want me to repeat it or --</p> <p>24 A. No, no, yes, I have it.</p>	<p style="text-align: right;">Page 81</p> <p>1 divulging attorney/client or work product information.</p> <p>2 BY MR. MOUGEY:</p> <p>3 Q. I'm going to hand you what I've marked as</p> <p>4 Exhibit B-3, Bratton 3. Sorry.</p> <p>5 (WHEREUPON, a certain document was</p> <p>6 marked Walgreens-Bratton Deposition</p> <p>7 Exhibit No. 003, for identification,</p> <p>8 as of 11/30/2018.)</p> <p>9 BY MR. MOUGEY:</p> <p>10 Q. Direct your attention to the first page,</p> <p>11 sir, in the middle, it says:</p> <p>12 "Defendants Walgreen Company and Walgreens</p> <p>13 Eastern Company's Amended Objections and Responses to</p> <p>14 Plaintiffs' First Set of Interrogatories."</p> <p>15 Do you see that, sir?</p> <p>16 A. Yes.</p> <p>17 Q. All right. And if you would, sir, turn to</p> <p>18 page 32. It is the last numbered page. And if you</p> <p>19 look at the next page, it has -- says "Verification."</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. All right. And you see your name there at</p> <p>23 the bottom of that page, correct?</p> <p>24 A. Correct.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. And "Edward Bratton, Manager, 2 Pharmaceutical Integrity, on behalf of Walgreen 3 Company and Walgreen Eastern Company." 4 Do you see that, sir? 5 A. Yes. 6 Q. And it starts out under Verification: 7 "I, Edward Bratton, subject to the 8 penalties and laws relating to unsworn falsification 9 to authorities, including 28 USC Section 1746, state 10 as follows." 11 Did I read that right? 12 A. Yes. 13 Q. Would you please read that next paragraph. 14 Out loud. 15 A. "I" -- "I am mana-" -- "a manager in the 16 pharmaceutical integrity department at Walgreen Co., 17 and am authorized to make this verification on behalf 18 of Walgreen Co. and Walgreen Eastern Co. 19 ('Walgreens'). I am making this verification on 20 behalf of Walgreens only and no other party. The 21 information provided by Walgreens in these Amended 22 Objections and Responses to Plaintiffs' First Set of 23 Interrogatories has been compiled by employees and 24 legal counsel for Walgreens. Although I do not have</p>	<p style="text-align: right;">Page 84</p> <p>1 communications themselves. 2 BY THE WITNESS: 3 A. I discussed with counsel about -- 4 BY MR. MOUGEY: 5 Q. I don't -- I don't want to know specific. 6 You said you discussed with counsel and you said you 7 discussed with Ms. Polster. 8 Anything other than a meeting with 9 Ms. Polster and counsel that you did to inform 10 yourself to verify that the matters stated herein are 11 true and correct? 12 MR. HILL: Objection to the form. 13 BY THE WITNESS: 14 A. No, nothing additional. 15 BY MR. MOUGEY: 16 Q. Nothing additional. 17 How long did your conversation with 18 counsel last to inform yourself that the matters 19 stated herein are true and correct to the point where 20 you signed the verification? 21 MR. HILL: Objection to the form. 22 BY THE WITNESS: 23 A. It was a short discussion and then some 24 e-mails.</p>
<p style="text-align: right;">Page 83</p> <p>1 personal knowledge of all of the information set forth 2 herein, I am informed and believe that the matters 3 stated herein are true and correct." 4 Q. Now, what did you do as part of your 5 investigation to affirm that you were informed and 6 believe that the matters stated in this document are 7 accurate? 8 A. I discussed with legal counsel and others 9 the investigations that they made to reply to this. 10 Q. All right. So the information that you 11 received to verify that this was accurate was based on 12 your conversations with counsel? 13 A. And others. 14 Q. And who else? 15 A. I believe Tasha Polster, we had some 16 discussion, and I know that there were meetings where 17 information was asked of others about the contents of 18 this document, I believe. 19 Q. What -- what did -- what did you do to 20 inform yourself to verify that the matters stated 21 herein are true and correct? 22 MR. HILL: And, sir, if any of this involves 23 counsel, I would instruct you not to reveal the 24 subject matter or the communication -- of the</p>	<p style="text-align: right;">Page 85</p> <p>1 BY MR. MOUGEY: 2 Q. A short discussion. 15 minutes, 3 10 minutes? 4 A. I don't recall the exact duration. 5 Q. Not exact. 6 A. Probably -- 7 Q. Less than a half an hour? 8 A. Probably. 9 Q. Less than 15 minutes? 10 A. Maybe. I don't recall. 11 Q. Your discussion with Ms. Polster, how long 12 did your discussion with Ms. Polster last to inform 13 yourself enough on the matters stated herein to sign 14 this verification? 15 A. Brief. Five minutes. 16 Q. Five minutes. 17 So your -- safe to say your total process 18 of verifying the matters in this document, less than 19 half an hour? 20 MR. HILL: Objection to form. That's not what 21 he said. 22 BY THE WITNESS: 23 A. It was a short period of time. 24 BY MR. MOUGEY:</p>

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1 Q. Okay. Your total process to verify the
2 matters stated in this document lasted less than a
3 half hour?
4 MR. HILL: Objection to the form.
5 BY THE WITNESS:
6 A. Yes.
7 BY MR. MOUGEY:
8 Q. If you would, sir -- did anybody explain
9 the importance to you of verifying a document like
10 this?
11 MR. HILL: Again, I'd instruct you not to reveal
12 the substance of any attorney/client communications in
13 your answer.
14 If you can't answer without --
15 THE WITNESS: I can't -- I don't --
16 MR. HILL: -- without doing that, then -- then
17 say that you can't answer without doing that. We just
18 don't want to have communications revealed in this
19 setting.
20 BY THE WITNESS:
21 A. I don't think I can answer without...
22 BY MR. MOUGEY:
23 Q. You understand, irrespective of any
24 communication, that signing a verification in a

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1 federal proceeding is an important matter, correct?
2 A. Correct.
3 Q. So, sir, if you would, please turn to
4 Page 10.
5 Interrogatory No. 4, do you see that?
6 A. Yes.
7 Q. And it says:
8 "With Request" -- "In conjunction with
9 Request For Production No. 31, please identify any
10 orders you received that were at any point identified
11 as a possible suspicious order. For each of these
12 suspicious orders provide."
13 It gives (a) through (f.)
14 Do you see that?
15 A. Yes.
16 Q. And it includes the date, the description,
17 whether it was reported to the DEA, the due diligence,
18 the date of any halt or suspension order, the dates
19 that order was shipped or fulfilled.
20 Did you see that?
21 A. Yes.
22 Q. What did you do to inform yourself to be
23 able to respond to Interrogatory No. 4?
24 A. So now I'm -- that I've seen this, we did

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1 meet with counsel and myself and members of my team
2 took steps to provide this information.
3 Q. What steps did you take?
4 A. A -- a lot of this was how and for what
5 timeframe, what products to produce from our CSOM, and
6 then we queried that in the report and -- I believe
7 Steven Mills sent that over, the final version.
8 Q. Okay. The CSOM is October of 2012, right?
9 A. Correct.
10 Q. So what did you do to inform yourself
11 prior to October of 2012?
12 A. I didn't.
13 Q. Because you don't have any personal
14 knowledge that you can recall other than what we just
15 went through about Walgreens' policies and procedures
16 regarding suspicious orders prior to October '12,
17 right?
18 A. Correct.
19 Q. So you have to go to somebody else and
20 have them educate you, right?
21 A. Correct.
22 Q. But you didn't -- you did not go and ask
23 anyone else that you said -- or that you were aware of
24 that had personal knowledge prior to October '12,

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1 correct?
2 MR. HILL: Ob- -- objection to the form.
3 BY THE WITNESS:
4 A. Correct.
5 BY MR. MOUGEY:
6 Q. So based on your understanding, a response
7 to Interrogatory No. 4 was post October of 2012 up to
8 the point where Walgreens was no longer distributing
9 Schedule II and Schedule III?
10 A. I'm not sure.
11 Q. But you understand that you -- you
12 verified and you informed yourself enough to provide
13 an accurate statement when signing this document,
14 correct?
15 A. I -- I understand --
16 MR. HILL: Object.
17 Go ahead.
18 BY THE WITNESS:
19 A. -- that I signed it, yes.
20 BY MR. MOUGEY:
21 Q. Yes. But you can't say sitting here today
22 what you did, if anything, to inform yourself about
23 Walgreens' practices and policies prior to October
24 of 2012 related to suspicious orders of Schedule II

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1 and Schedule III opiates?

2 A. I -- I know that -- so, I think there is a

3 privilege issue. I don't know. But --

4 MR. HILL: Well -- well, why don't -- why don't

5 we take a one-minute break and see what this privilege

6 is.

7 MR. MOUGEY: We'll just sit here tight while you

8 guys talk about it.

9 THE VIDEOGRAPHER: Going off the record at

10 10:38 a.m.

11 (WHEREUPON, a recess was had

12 from 10:38 to 10:42 a.m.)

13 THE VIDEOGRAPHER: We are back on the record at

14 10:42 a.m.

15 BY MR. MOUGEY:

16 Q. The question pending, sir, was, sitting

17 here today, what did you do, if anything, to inform

18 yourself about Walgreens' practices and policies prior

19 to 2012 related to suspicious orders of Schedule II

20 and Schedule III opiates?

21 A. So, for the interrogatories we met with

22 our counsel and compiled responses and we've reviewed

23 this draft. I think I was confusing the 30(b)(6) and

24 this previously.

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1 Q. Well, look at Page 11, sir.

2 Do you see how the first couple of

3 paragraphs are objections?

4 A. Um-hum.

5 Q. And the --

6 MR. HILL: Are you say -- are you at the top of

7 11?

8 MR. MOUGEY: I am at the top of Page 11.

9 BY MR. MOUGEY:

10 Q. "Subject to and without waiving its

11 objections..."

12 Do you see that, sir?

13 A. Yes.

14 Q. "...in accordance with Federal Rule of

15 Civil Procedure 33(d) and the Court's discovery

16 rulings, Walgreens will produce suspicious order

17 reports regarding opiates orders from Walgreens

18 pharmacies in the Track One jurisdictions, to the

19 extent any exist, remain in Walgreens' possession,

20 custody, or control, and are located following a

21 reasonable search. Walgreens will provide Bates

22 numbers for any such productions that they are made."

23 Do you see that, sir?

24 A. Yes.

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1 Q. And what did you do, sir, to inform

2 yourself about what suspicious order reports were

3 available prior to October of 2012 in order to sign

4 the verification of this interrogatory?

5 MR. HILL: Ob- -- objection to the form.

6 BY THE WITNESS:

7 A. So I believe we met and discussed --

8 MR. HILL: And so just do not give him the

9 specifics of what you discussed with counsel.

10 MR. MOUGEY: I don't believe if -- if what is

11 signed on this verification came from counsel, the

12 fact that this gentleman signed that and verified it,

13 and his response to the Court is not protected by

14 attorney/client.

15 MR. HILL: I disagree with you.

16 MR. MOUGEY: Well, I --

17 MR. HILL: So I instruct you not to provide --

18 BY MR. MOUGEY:

19 Q. Please -- please answer the question, sir.

20 MR. HILL: Do not disclose attorney/client

21 communications during this deposition.

22 Go ahead, sir.

23 BY MR. MOUGEY:

24 Q. What do you think the purpose of you --

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1 MR. MOUGEY: Are we directing the witness not to

2 answer?

3 MR. HILL: I direct the witness not to disclose

4 any attorney/client communications.

5 BY MR. MOUGEY:

6 Q. What did you do -- what did you do to

7 inform yourself about what suspicious order reports

8 were available prior to October of 2012 in order to

9 sign the verification of this interrogatory?

10 MR. HILL: Objection to the form.

11 BY THE WITNESS:

12 A. I don't recall.

13 BY MR. MOUGEY:

14 Q. If -- if your answer is I didn't do

15 anything without meeting with counsel, is that the

16 answer to your question?

17 MR. HILL: Objection to the form.

18 BY THE WITNESS:

19 A. I don't know. I can't recall all of the

20 things that we discussed or the steps that were taken.

21 BY MR. MOUGEY:

22 Q. Well, I don't -- your -- your counsel is

23 not allowing you to answer any questions about -- you

24 had with counsel to inform yourself.

<p style="text-align: right;">Page 94</p> <p>1 What did you do outside of your</p> <p>2 discussions with counsel to inform yourself about what</p> <p>3 suspicious orders reports were available prior to</p> <p>4 October of '12?</p> <p>5 A. I -- I don't recall.</p> <p>6 Q. You recognize, sir, that when you signed</p> <p>7 this document you -- your name is on this, Edward</p> <p>8 Bratton, correct -- correct, sir?</p> <p>9 A. Correct.</p> <p>10 Q. As a manager of pharmaceutical integrity,</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. And you told this federal judge that the</p> <p>14 information set forth herein that you informed</p> <p>15 yourself and you believe the matters are true and</p> <p>16 accurate, correct, sir?</p> <p>17 MR. HILL: Object to the form.</p> <p>18 That's -- why don't you read the whole</p> <p>19 thing.</p> <p>20 BY MR. MOUGEY:</p> <p>21 Q. Just answer the question I asked you.</p> <p>22 MR. HILL: This is back on Page 32.</p> <p>23 BY MR. MOUGEY:</p> <p>24 Q. It is the next page after 32.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Based on discussions or meetings.</p> <p>2 Q. With who?</p> <p>3 A. With legal counsel and with other members</p> <p>4 of my team.</p> <p>5 Q. Other members of your team?</p> <p>6 A. Correct.</p> <p>7 Q. So when we asked you earlier about what</p> <p>8 you did to prepare for these, and you said less than</p> <p>9 30 minutes, you met with counsel and Ms. Polster, now</p> <p>10 you've had meetings with other people on your team?</p> <p>11 MR. HILL: Objection. He also said that he was</p> <p>12 confusing 30(b)(6) and interrogatories. That</p> <p>13 misstates what he said.</p> <p>14 MR. MOUGEY: I spoke -- I do not want to hear</p> <p>15 any more explanation out of you.</p> <p>16 MR. HILL: Don't lie to him.</p> <p>17 MR. MOUGEY: I don't want to hear any more</p> <p>18 explanation.</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. So you went outside and met with counsel</p> <p>21 and you had a different answer than you had before, is</p> <p>22 that accurate?</p> <p>23 A. I -- I'm going to restate what I said</p> <p>24 previously, that I believe when you were questioning</p>
<p style="text-align: right;">Page 95</p> <p>1 A. I mean, although I do not have personal</p> <p>2 knowledge of all of the information set forth herein,</p> <p>3 I am informed and believe these matters stated herein</p> <p>4 are true and correct, yes.</p> <p>5 Q. Mr. Bratton, what did you do to inform</p> <p>6 yourself about what suspicious orders were available</p> <p>7 to produce to the Plaintiffs prior to October of 2012?</p> <p>8 A. I know that --</p> <p>9 MR. HILL: Objection to the form.</p> <p>10 Go ahead.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I know that there were efforts by others</p> <p>13 to produce those -- that information.</p> <p>14 BY MR. MOUGEY:</p> <p>15 Q. And what were those efforts by others and</p> <p>16 who were they?</p> <p>17 A. I know that there were meetings and</p> <p>18 discussions about where that information might be</p> <p>19 stored. I -- I believe it involved Eric Stahmann and</p> <p>20 if there were people that were from the DCs that --</p> <p>21 that kept copies and -- so, all related, I believe, to</p> <p>22 document production.</p> <p>23 Q. And how did you come to know all of that</p> <p>24 information?</p>	<p style="text-align: right;">Page 97</p> <p>1 me previously that I was confusing the 30(b)(6)</p> <p>2 preparation with this interrogatory.</p> <p>3 Q. And that enlightenment about that you were</p> <p>4 confused between 30(b)(6) and interrogatories happened</p> <p>5 after you went out in the hallway with counsel asking</p> <p>6 for a break, correct, sir?</p> <p>7 A. Correct.</p> <p>8 Q. And then you realized you were confused,</p> <p>9 correct, after your discussion with counsel?</p> <p>10 A. Correct.</p> <p>11 Q. So your answer that you gave previously</p> <p>12 about less than 30 minutes and -- and with</p> <p>13 Ms. Polster, what did -- what did that answer apply</p> <p>14 to?</p> <p>15 A. The 30(b)(6) preparation.</p> <p>16 Q. You've spent less than 30 minutes</p> <p>17 preparing for 30(b)(6) and meeting with Ms. Polster,</p> <p>18 that's it?</p> <p>19 A. Up until this point, I believe.</p> <p>20 Q. So up until today you've spent 30 minutes</p> <p>21 preparing for 30(b)(6) and you've had one meeting with</p> <p>22 less than five minutes with Ms. Polster?</p> <p>23 MR. HILL: Objection to the form.</p> <p>24 BY THE WITNESS:</p>

<p style="text-align: right;">Page 98</p> <p>1 A. I -- correct, I believe so.</p> <p>2 BY MR. MOUGEY:</p> <p>3 Q. And you got that mixed up with the</p> <p>4 interrogatory answers?</p> <p>5 A. Correct.</p> <p>6 Q. So did you go back to all of these</p> <p>7 meetings you had and ask them, where are our</p> <p>8 suspicious order reports prior to October '12?</p> <p>9 A. There were discussions about where those</p> <p>10 were stored or if they were available.</p> <p>11 Q. Where were they stored and where were they</p> <p>12 available?</p> <p>13 A. So I know that there is some system called</p> <p>14 Mobius and they were trying to pull the reports from</p> <p>15 there and copies of e-mails that were sent to field</p> <p>16 offices and...</p> <p>17 Q. Were they successful being able to</p> <p>18 identify reports out of Mobius?</p> <p>19 MR. HILL: Object to the form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I -- I'm -- I know that there were</p> <p>22 documents that were produced. I don't know if they</p> <p>23 specifically came from the Mobius system.</p> <p>24 BY MR. MOUGEY:</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. October 1, 2018, when you verified that</p> <p>2 you had been informed enough to verify to a federal</p> <p>3 judge the answers to these interrogatories, you were</p> <p>4 not aware of the location of the suspicious order</p> <p>5 reports sent to the DEA, and where they were kept,</p> <p>6 correct?</p> <p>7 MR. HILL: Objection to form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I believe that they -- it was true that</p> <p>10 they were recovering them and producing them. That's</p> <p>11 what I thought.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. I understand that they were recovering and</p> <p>14 then producing them. I'm asking you where they were</p> <p>15 stored, the suspicious orders.</p> <p>16 When you signed this verification to a</p> <p>17 federal judge, were you aware of where they were</p> <p>18 stored?</p> <p>19 MR. HILL: Objection to the form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I think I don't know personally, but I was</p> <p>22 relying on others at the company with knowledge of</p> <p>23 those matters to produce those documents.</p> <p>24 BY MR. MOUGEY:</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. So you don't know whether or not they were</p> <p>2 successful pulling them from Mobius, correct?</p> <p>3 A. Correct.</p> <p>4 Q. So you didn't inform yourself about where</p> <p>5 the suspicious order reports prior to October '12 were</p> <p>6 stored?</p> <p>7 MR. HILL: Objection to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I -- again, I had discussions with people</p> <p>10 that were looking for those documents and they told me</p> <p>11 where they were looking and how -- the efforts they</p> <p>12 were trying to undertake to get those documents.</p> <p>13 BY MR. MOUGEY:</p> <p>14 Q. Right. But all of those discussions you</p> <p>15 had, you didn't even know where the suspicious order</p> <p>16 reports prior to October '12 were stored, correct?</p> <p>17 MR. HILL: Same objection.</p> <p>18 BY THE WITNESS:</p> <p>19 A. I don't know where they are stored now. I</p> <p>20 know that they were -- they were comments about where</p> <p>21 they were -- came from originally. I don't know the</p> <p>22 disposition of those documents after their initial</p> <p>23 use, no.</p> <p>24 BY MR. MOUGEY:</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. And where were they, where were they</p> <p>2 stored?</p> <p>3 A. I was relying on them to go recover them.</p> <p>4 Q. Is the answer I don't know?</p> <p>5 A. I don't know where they were stored, yeah.</p> <p>6 Q. Interrogatory No. 5:</p> <p>7 "Please identify any persons employed by</p> <p>8 you or who received consom" -- "compensation from you,</p> <p>9 including any former employees, who reviewed or</p> <p>10 analyzed data regarding the distribution and/or</p> <p>11 dispensing of opiates or your opiate products,</p> <p>12 including data regarding prescriber, customer and/or</p> <p>13 pharmacy/dispenser that you own and/or control,</p> <p>14 histories and trends for the State of Ohio from</p> <p>15 January 1, 1990, to present."</p> <p>16 Did I read that right?</p> <p>17 A. Yes.</p> <p>18 Q. So what did you do to inform yourself on</p> <p>19 information to respond to Interrogatory No. 5 to</p> <p>20 verify to the Federal Court that this was correct?</p> <p>21 MR. HILL: Objection to the form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. Again, I -- we met with counsel and others</p> <p>24 and attempted to produce a list of employees that</p>

<p style="text-align: right;">Page 102</p> <p>1 would have undertaken these roles. 2 BY MR. MOUGEY: 3 Q. Now, you've been at Walgreens since 2008, 4 correct? 5 A. Correct. 6 Q. You would have an understanding, at least 7 from '08 on, who in Walgreens was responsible for 8 generating suspicious order reports, correct? 9 A. No. 10 Q. No idea? 11 A. No. 12 Q. Until you started in pharmaceutical 13 integrity, you were based out of Orlando and you 14 didn't know? 15 A. Correct. 16 Q. You didn't know who was responsible for 17 performing any due diligence on those suspicious 18 orders prior to when you started in pharmaceutical 19 integrity in January -- February 2013, correct? 20 A. Correct. 21 Q. So if you turn the page to Page 12, it 22 says: 23 "Subject to and without waiving its 24 objections, the following employees work in Walgreens'</p>	<p style="text-align: right;">Page 104</p> <p>1 referring to? 2 BY MR. MOUGEY: 3 Q. The list on Page 12. Do you see those 4 names? 5 MR. HILL: But there's names right underneath 6 it, too. Are you referring to them, too, or just the 7 box? 8 BY MR. MOUGEY: 9 Q. The names on the list. Do you see the 10 box? 11 A. Oh, yeah, below the box. So just in the 12 box? 13 Q. Just in the box, the list? 14 A. Per -- maybe Tasha Polster. I don't know, 15 though, for sure. 16 Q. You are not sure. 17 All right. So who else on this list in 18 the box has personal knowledge about Walgreens' 19 suspicious order monitoring policies prior to October 20 of 2012? 21 A. Perhaps also Steve Mills. 22 Q. Anybody else? 23 A. Not that I'm aware of. 24 Q. Not that you are aware of.</p>
<p style="text-align: right;">Page 103</p> <p>1 pharmaceutical integrity department, which is 2 response" -- "responsible for evaluating orders of 3 opiates from Walgreens pharmacies." 4 Did I read that right? 5 A. Yes. 6 Q. Okay. So when are the people from 7 Walgreens pharmaceutical integrity department 8 responsible for evaluating suspicious orders? 9 A. From the inception of the CSOM system and 10 establishment of our group. 11 Q. That's post October of 2012, correct? 12 A. Correct. 13 Q. Who on this list knows anything about 14 Walgreens' suspicious order monitoring policies prior 15 to October of 2012? 16 MR. HILL: Objection to form. 17 BY THE WITNESS: 18 A. Eric Stahmann. 19 BY MR. MOUGEY: 20 Q. Eric Stahmann, he -- okay. 21 Who else? 22 A. From this list? 23 Q. Yes, from this list. 24 MR. HILL: When you say "this list," what are we</p>	<p style="text-align: right;">Page 105</p> <p>1 But -- but you -- you signed it, right? 2 A. Um-hum. 3 Q. Okay. This list is included in the 4 document you signed, correct? 5 A. Um-hum. 6 Q. And you verified it, correct? 7 A. Correct. 8 Q. So let's look at the -- the paragraph 9 below. 10 "Additional Walgreens ... who have had 11 involvement with Walgreens' order monitoring systems, 12 including when Walgreens was distributing opiates to 13 its own pharmacies, include Steve Bamberg, Wayne 14 Bancroft, Sean Barnes, Barb Martin, John Merritello, 15 Denman Murray, Doug Peterson, and David Reiter." 16 Do you know all of those guys, ladies? 17 A. Some. 18 Q. Do you know who in that list would have 19 had personal knowledge about Walgreens' suspicious 20 order monitoring policies prior to October of 2012? 21 A. I believe Steve Bamberg, Denny Murray, 22 Barb Martin, Wayne Bancroft from my personal 23 knowledge. 24 Q. Okay. I have got three. Steve Bamberg,</p>

<p style="text-align: right;">Page 106</p> <p>1 Wayne Bancroft, Denman Murray, and who else?</p> <p>2 A. Barb Martin, John Merritello.</p> <p>3 Q. Okay. Based on your understanding, those</p> <p>4 folks are going to have pre-October 2012 knowledge</p> <p>5 about Walgreens' suspicious order monitoring policies?</p> <p>6 A. I believe so.</p> <p>7 Q. Okay. Now, let's go back up to the list</p> <p>8 up top.</p> <p>9 Quality and accreditation analyst.</p> <p>10 Do you see that under Rebecca Heinzl?</p> <p>11 A. Yes.</p> <p>12 Q. What department is she in?</p> <p>13 A. I don't know. I'm not familiar personally</p> <p>14 with this individual.</p> <p>15 Q. Okay.</p> <p>16 A. That might be -- well, I don't know. I</p> <p>17 don't want to speculate.</p> <p>18 Q. Well --</p> <p>19 A. I believe she is --</p> <p>20 Q. -- you -- you -- you verified it to a</p> <p>21 federal judge. So, I mean, did you ask anybody,</p> <p>22 Well --</p> <p>23 MR. HILL: Objection to the form.</p> <p>24 BY MR. MOUGEY:</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. And he's -- his title was local specialty</p> <p>2 quality?</p> <p>3 A. Correct.</p> <p>4 Q. And do you think that both Rebecca Heinzl</p> <p>5 and Steven Kennedy are both in specialty pharmacy</p> <p>6 business?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. What about the Jason, I'm going to</p> <p>9 butcher his last name, Kluczyk?</p> <p>10 A. Kluczyk.</p> <p>11 Q. Kluczyk?</p> <p>12 A. Yeah.</p> <p>13 Q. What about Jason Kluczyk?</p> <p>14 A. He is on -- reports to me. He is on our</p> <p>15 team, pharmacy integrity.</p> <p>16 Q. So Erika Kryger is also specialty?</p> <p>17 A. Correct.</p> <p>18 Q. All right. So on this table list we have</p> <p>19 Rebecca Heinzl, Steven Kennedy and Erika Krieger that</p> <p>20 don't work for pharmaceutical integrity, correct?</p> <p>21 A. Correct.</p> <p>22 Q. What relationship do -- does specialty</p> <p>23 pharmacy have with pharmaceutical integrity?</p> <p>24 A. These individuals all reported to Tasha</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. -- who is -- who is Rebecca Heinzl that</p> <p>2 I'm verifying?</p> <p>3 A. I be- --</p> <p>4 MR. HILL: Objection to the form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. I -- I believe that she is involved with</p> <p>7 specialty pharmacy and so there might be some ordering</p> <p>8 responsibilities or evaluating of certain specialty</p> <p>9 products.</p> <p>10 BY MR. MOUGEY:</p> <p>11 Q. But you're not sure?</p> <p>12 A. I'm not in -- sure of all of her</p> <p>13 responsibilities.</p> <p>14 Q. So we've gone from I don't know who she is</p> <p>15 to maybe specialty pharmacies, but you don't know all</p> <p>16 of her scope of responsibilities.</p> <p>17 So what -- what is specialty pharmacies?</p> <p>18 A. Specialty is a class of products that have</p> <p>19 patients that have additional needs, HIV and liver</p> <p>20 disease, a variety of high cost, high impact to the</p> <p>21 patient disease states.</p> <p>22 Q. What about Steven Kennedy?</p> <p>23 A. Steven Kennedy is also -- was involved</p> <p>24 with specialty.</p>	<p style="text-align: right;">Page 109</p> <p>1 Polster at one time. Some of them are no longer with</p> <p>2 the company. So they would report in up through</p> <p>3 Tasha.</p> <p>4 Q. Okay. Through pharmaceutical integrity?</p> <p>5 A. No.</p> <p>6 Q. Through how?</p> <p>7 A. Through -- through that specialty quality</p> <p>8 group.</p> <p>9 Q. Was that a -- a -- Ms. Polster's role</p> <p>10 prior to pharmaceutical integrity?</p> <p>11 A. Co, at the same time. She -- she was the</p> <p>12 director of multiple departments.</p> <p>13 Q. Ms. Polster ran multiple departments?</p> <p>14 A. Correct.</p> <p>15 Q. How many departments did Ms. Polster run</p> <p>16 once pharmaceutical integrity was formed in the</p> <p>17 beginning of 2013?</p> <p>18 A. Well, I think initially, if I'm</p> <p>19 remembering correctly, it was just pharmaceutical</p> <p>20 integrity. For some period of time she had</p> <p>21 third-party operations, which is involved with billing</p> <p>22 of prescriptions and then that left and it's now back</p> <p>23 under her.</p> <p>24 And quality, I don't remember the exact</p>

<p style="text-align: right;">Page 110</p> <p>1 date when quality rolled into her group. And</p> <p>2 specialty quality was later, but I don't remember the</p> <p>3 date.</p> <p>4 Q. So specialty quality was at least late '13</p> <p>5 or after?</p> <p>6 A. Yes.</p> <p>7 MR. HILL: Object to the form.</p> <p>8 BY MR. MOUGEY:</p> <p>9 Q. And do you have any understanding of what</p> <p>10 these three individuals from, I'm going to call it</p> <p>11 specialty or special quality, that we just went</p> <p>12 through, Rebecca, Steven and Erika, what role they</p> <p>13 would have with Walgreens' suspicious -- suspicious</p> <p>14 order monitoring policies?</p> <p>15 A. I -- as I'm thinking about it more and</p> <p>16 my -- jogging my recollection, I think that there are</p> <p>17 times when specialty pharmacy compounds certain drugs</p> <p>18 and those compounds have to be -- and some of those</p> <p>19 are narcotics and they're -- they're -- they have to</p> <p>20 be ordered directly from the manufacturer and so can't</p> <p>21 go through our system. And so there is an individual</p> <p>22 that reviews all of those orders. However, it is a</p> <p>23 very small number of prescriptions that we fill.</p> <p>24 Q. Minuscule?</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. But sitting here, you are not sure or have</p> <p>2 any information one way or another?</p> <p>3 MR. HILL: Objection to the form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I'm not -- I believe that they have</p> <p>6 information about prior to 2012.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. So how many -- do you know how many stores</p> <p>9 there are at Walgreens, just generally?</p> <p>10 A. It changes constantly, but around 9,000, I</p> <p>11 think.</p> <p>12 Q. Okay. A lot, right?</p> <p>13 So pre 2012 -- I'm -- I'm sorry -- pre</p> <p>14 October of 2012, out of this entire 9,000, 7,000,</p> <p>15 8,000s operation at Walgreens, we've identified Steve</p> <p>16 Bamberg, Wayne Bancroft, Bob [sic] Martin, John</p> <p>17 Merritello, Denman Murray along with the three people</p> <p>18 from pharmaceutical integrity that would have</p> <p>19 information regarding suspicious order monitoring</p> <p>20 policy prior to October of 2012?</p> <p>21 MR. HILL: Objection to the form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I believe that these individuals have that</p> <p>24 knowledge. There may have been others that are no</p>
<p style="text-align: right;">Page 111</p> <p>1 A. Yes.</p> <p>2 Q. Yes.</p> <p>3 And so any knowledge those three folks</p> <p>4 would have regarding Walgreens' suspicious order</p> <p>5 monitoring policies would also be very small, correct?</p> <p>6 A. They had a small scope on which they dealt</p> <p>7 with, yes.</p> <p>8 Q. Okay. So -- so you believe out of this</p> <p>9 group Steven Mills and Eric Stahmann and Natasha</p> <p>10 Polster would have information prior to the inception</p> <p>11 of pharmaceutical integrity regarding Walgreens'</p> <p>12 suspicious order monitoring policies?</p> <p>13 A. I believe that they may, yes.</p> <p>14 Q. You believe they may but you are not</p> <p>15 really sure?</p> <p>16 A. I don't know everything that they know.</p> <p>17 Q. I'm not asking you if you know everything</p> <p>18 they know. All I'm asking you is would they have</p> <p>19 material information --</p> <p>20 A. They may have --</p> <p>21 Q. -- about -- about suspicious order policy</p> <p>22 at Walgreens prior to January of '13?</p> <p>23 A. They may have some information related to</p> <p>24 those topics.</p>	<p style="text-align: right;">Page 113</p> <p>1 longer with the company. As we transitioned away from</p> <p>2 filling controlled substances, I know that a lot of</p> <p>3 the staff that were related to that function were laid</p> <p>4 off.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. But -- but that -- I don't -- did someone</p> <p>7 ask you to filter all of those people out that were no</p> <p>8 longer there?</p> <p>9 MR. HILL: Objection to the form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I don't recall. I don't know.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. Well, let's go back to Interrogatory</p> <p>14 No. 5: "Please identify any persons employed by you,</p> <p>15 or who received compensation from you..."</p> <p>16 Do you see that?</p> <p>17 So it's not just currently employed. It</p> <p>18 is who received compensation.</p> <p>19 Do you see that? It didn't say -- it</p> <p>20 doesn't say who is currently receiving compensation,</p> <p>21 correct? So it's pretty much anyone who is employed</p> <p>22 or received compensation, correct?</p> <p>23 MR. HILL: Objection to form.</p> <p>24 BY THE WITNESS:</p>

<p style="text-align: right;">Page 114</p> <p>1 A. Who analyzed data regarding the 2 distribution? 3 BY MR. MOUGEY: 4 Q. "... and dispensing of opiates or your 5 opioid products, including data regarding prescriber, 6 customer and/or pharmacy/dispenser that you own and/or 7 control, histories and trends for the State of Ohio 8 from January 1, 1990, to present." 9 Do you see that? 10 A. Yes. 11 Q. And it includes any former employees, 12 correct? 13 A. Correct. 14 Q. And it includes -- do you see the -- 15 the -- the phrase "who received compensation"? 16 A. Correct. 17 Q. And you would agree that that would 18 include third-party vendors potentially, correct? 19 MR. HILL: Objection to form, and I would just 20 ask for the rule of completeness that you'd also read 21 our objections, Mr. Mougey. 22 MR. MOUGEY: If you want to do that later, you 23 are more than welcome to. 24 BY MR. MOUGEY:</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. So over this time period responsive to 2 this interrogatory, one, two, three, four, five, six, 3 seven, eight people pre 2 -- October of 2012. 4 Do you see that? 5 A. Yes. 6 Q. Is that an accurate and complete list 7 responsive to this -- to Interrogatory No. 4? 8 MR. HILL: Objection to the form. 9 BY THE WITNESS: 10 A. I think that it is complete to the extent 11 that we know who those people are. Again, I think 12 there may have been people that previously worked here 13 but haven't in some time and it would be difficult to 14 identify their roles and responsibilities going back a 15 number of years. 16 BY MR. MOUGEY: 17 Q. Well, would it be important for you to go 18 ask Steve Bam -- Bamberg and Wayne Bancroft and Bob 19 Martin and John Merritello and Denman Murray and say, 20 Who are the other folks that were involved prior to 21 October 12th [sic]? 22 A. I did have a conversation with Denny 23 Murray. 24 Q. The rest of them as well?</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. Who received compensation, you received -- 2 you understand that that includes third-party vendors, 3 correct? 4 MR. HILL: Objection to the form. 5 BY THE WITNESS: 6 A. I -- I don't know if it does. 7 BY MR. MOUGEY: 8 Q. Well, what do you -- it's different, you 9 have employees and then you have "and people that 10 receive compensation," right? 11 A. Correct, it says that, yes. 12 Q. Yeah, and that would be reasonable to 13 include third-party vendors, correct? 14 MR. HILL: Objection to the form. 15 BY THE WITNESS: 16 A. I don't know. 17 BY MR. MOUGEY: 18 Q. Do you know if there is any 30 party -- 19 third-party vendors that did -- performed any work for 20 Walgreens? 21 A. Not that I'm aware of. 22 Q. Regarding its controlled substance order 23 monitoring policies? 24 A. Not that I -- I'm aware of.</p>	<p style="text-align: right;">Page 117</p> <p>1 A. No. But -- but most of these individuals 2 report to Denny, and so I spoke with Denny on -- on 3 this matter and I believe he told me that they weren't 4 able to -- to determine those people that might have 5 been at the DCs previously. 6 Q. I can't read my own writing, but let me 7 see if I can get this name right, Layne Browling, 8 Layne, does that ring a bell? 9 A. No. 10 Q. Anybody with the initials LB? 11 A. Not that I recall. 12 Q. So your process to inform yourself about 13 folks that were -- understood the CSOM prior to 14 October '12 provided eight people in a company that 15 owns, 7, 8, 9,000 stores, pharmacies? 16 MR. HILL: Ob- -- objection to form. 17 BY THE WITNESS: 18 A. Those are -- that's my understanding. 19 BY MR. MOUGEY: 20 Q. Let's go to 13. It is on Page 18. 21 "Please identify all persons who were 22 responsible for administering, overseeing, developing 23 and/or implementing any and all policies, procedures, 24 systems or programs designed to detect and report</p>

<p style="text-align: right;">Page 118</p> <p>1 suspicious orders or to maintain effective controls 2 against diversion of controlled substances from 3 January 1, 1990 to present." 4 Do you see that? 5 A. Yes. 6 Q. It is pretty much asking for any -- 7 everyone who was responsible for or administering, 8 overseeing, developing or implementing, that's pretty 9 broad, correct? 10 A. Correct. 11 Q. Any policies, procedures, systems or 12 programs to detect and report suspicious orders, 13 correct? 14 A. Correct. 15 Q. And it goes on in the next sentence: 16 "This includes but is not limited to, 17 persons responsible for review, verification, approval 18 and release of suspicious orders or orders of 19 interest, as well as all persons with the ability to 20 override any system, from January 1, 1990, to present. 21 For each person listed, please provide their title and 22 the timeframe in which they served." 23 Do you see that? 24 A. Yes.</p>	<p style="text-align: right;">Page 120</p> <p>1 understanding of the timeframe that his department, 2 the inventory department, was responsible for 3 suspicious order monitoring? 4 A. Prior to Rx integrity, but I don't know... 5 Q. I mean any -- any -- that's a long period 6 of time. Anything that's specifically? 7 A. No. 8 Q. All right. Let's go back to 5 and walk me 9 through each one of these in -- in -- individuals that 10 you all have identified -- that you've identified here 11 and give me your timeframes and departments for when 12 these folks would have an understanding about 13 suspicious order monitoring policies at Walgreens? 14 A. I'm sorry. What page is -- are we on? 15 Q. Page 12. We have been searching for 16 someone that understands Walgreens' system prior to 17 October '12 for what feels like a long time, four or 18 five depositions, and we haven't found anybody yet. 19 So I need your help pointing me to who understands 20 Walgreens' system prior to October of 2012. 21 MR. HILL: Objection to the form. 22 BY THE WITNESS: 23 A. So, I believe that to be, in terms of the 24 system design, Steve Bamberg, Wayne Bancroft and John</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Can you think of any individuals that were 2 not identified in response to Interrogatory No. 5 that 3 would be responsive to Interrogatory No. 13? 4 A. No. 5 Q. And what did you do to inform yourself and 6 verify to the federal judge and the Plaintiffs in this 7 case that the list provided in response to No. 5 was 8 also responsive to Interrogatory No. 13? 9 A. Discussions with counsel, and again, 10 discussions with the inventory folks, Denny Murray and 11 et cetera. 12 Q. Well, when you say "et cetera," so you 13 went to the inventory guy, Denny Murray. 14 When you say "inventory," what's -- what's 15 that department do? 16 A. R -- so Rx inventory is responsible for 17 the ordering and in-stock condition, management of our 18 inventory levels of pharmacy inventory. 19 Q. And what does his department, what is the 20 overlap with suspicious order monitoring? 21 A. So I -- I believe they were previously 22 responsible for portions of suspicious order 23 monitoring. 24 Q. When you say "previously," what is your</p>	<p style="text-align: right;">Page 121</p> <p>1 Merritello. 2 BY MR. MOUGEY: 3 Q. Okay. And help me understand what time 4 periods each one of them that you understand were 5 familiar with Walgreens' system to identify suspicious 6 orders? 7 A. I -- I don't know -- they've all been in 8 their roles for -- their current roles for some period 9 of time is my understanding, long period of time. I 10 don't know when it would have started, but I believe 11 it would have been prior to 2012. I don't know how 12 far back that goes. 13 Q. So Steve Bamberg, Wayne Bancroft and John 14 Merritello, correct? 15 A. Correct. 16 Q. And you know that they went back prior to 17 '12 but not -- not sure how much? 18 A. I don't know how far back. 19 Q. Okay. 20 A. I know that John Merritello has been 21 involved with our order -- ordering system for across 22 the whole company, not just controls, for some time. 23 Q. But you're not sure what his time period 24 is for suspicious order monitoring which you</p>

<p style="text-align: right;">Page 122</p> <p>1 understand this litigation is about, correct?</p> <p>2 MR. HILL: Objection to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I don't know the exact start date.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. I'm not asking for an exact start date.</p> <p>7 What I'm looking for is just general ranges would be</p> <p>8 helpful. You know, '06 to '08, '05 to '09, something</p> <p>9 along those lines.</p> <p>10 A. Well, I -- so let me just clarify. Are we</p> <p>11 talking -- I think that Steve, Wayne and John were</p> <p>12 responsible for system design. Barb, Denny are</p> <p>13 responsible for more for the operational piece. So I</p> <p>14 don't know that John Merritello was overriding or et</p> <p>15 cetera. I think he was responsible for helping to</p> <p>16 design the system that others might have used to</p> <p>17 manage that.</p> <p>18 Q. Do you have an understanding of who --</p> <p>19 what individual will have knowledge about whether or</p> <p>20 not due diligence was performed on suspicious orders</p> <p>21 prior to 2012?</p> <p>22 A. I think that's going to be Denny Murray.</p> <p>23 Q. So 9,000 stores, we've got one -- one</p> <p>24 person?</p>	<p style="text-align: right;">Page 124</p> <p>1 A. So, I believe this to be a complete list</p> <p>2 of what was asked.</p> <p>3 BY MR. MOUGEY:</p> <p>4 Q. Well --</p> <p>5 A. I --</p> <p>6 Q. So you think that you -- you weren't asked</p> <p>7 to go identify individuals for -- to perform due</p> <p>8 diligence --</p> <p>9 MR. HILL: Objection to form.</p> <p>10 BY MR. MOUGEY:</p> <p>11 Q. -- to perform due diligence on suspicious</p> <p>12 orders?</p> <p>13 MR. HILL: Objection to form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I -- I don't know.</p> <p>16 BY MR. MOUGEY:</p> <p>17 Q. You've signed it, you verified a federal</p> <p>18 pleading. I've heard I don't know, I don't know, I</p> <p>19 don't know, I've listened to counsel, I've had</p> <p>20 conversations. There is 9,000 stores.</p> <p>21 Do you have any idea how many people work</p> <p>22 for Walgreens?</p> <p>23 A. Well, I say that we objected that it was</p> <p>24 overly broad and burdensome for any persons. So,</p>
<p style="text-align: right;">Page 123</p> <p>1 MR. HILL: Objection to form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I don't think that's who was performing</p> <p>4 all of that function. I think that's who will know</p> <p>5 about it that's still -- that we can produce, you</p> <p>6 know, that we know who they are.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. All right. Who -- Denny wasn't performing</p> <p>9 it, but he would know about who is doing it, is that</p> <p>10 what you are saying?</p> <p>11 A. I think he would know who.</p> <p>12 Q. Okay. Do you know who was performing the</p> <p>13 due diligence on any suspicious orders or orders of</p> <p>14 interest, whatever you all want to call them, prior to</p> <p>15 October of '12?</p> <p>16 A. I do not.</p> <p>17 Q. So when you verified this interrogatory</p> <p>18 response, did someone ask you to make sure we identify</p> <p>19 individuals responsible for performing due diligence</p> <p>20 on suspicious orders?</p> <p>21 MR. HILL: Objection to form.</p> <p>22 I caution the witness not to reveal any</p> <p>23 attorney/client communication in your answer.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 125</p> <p>1 based on our counsel and our discussions, I believe</p> <p>2 this to be correct to the best of my knowledge.</p> <p>3 Q. What I'm asking you is: What were you</p> <p>4 asked -- who were you asked to go identify? Were you</p> <p>5 asked to identify individuals that were performing due</p> <p>6 diligence on suspicious orders?</p> <p>7 A. There were --</p> <p>8 MR. HILL: Objection to form and I'll give you</p> <p>9 the same instruction I gave earlier.</p> <p>10 BY MR. MOUGEY:</p> <p>11 Q. Yes or no, were you asked to go identify</p> <p>12 individuals that were performing suspicious orders?</p> <p>13 THE WITNESS: What was the previous instruction?</p> <p>14 MR. HILL: I've asked you not to reveal any</p> <p>15 attorney/client communications in your answer.</p> <p>16 BY MR. MOUGEY:</p> <p>17 Q. Yes or no, were you asked to identify</p> <p>18 individuals that were performing due diligence on</p> <p>19 suspicious orders?</p> <p>20 MR. HILL: Also objection to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I will say that we -- I was tasked with</p> <p>23 attending these meetings and discussing about who</p> <p>24 might know this information.</p>

<p style="text-align: right;">Page 126</p> <p>1 BY MR. MOUGEY:</p> <p>2 Q. Simple question. Were you asked to</p> <p>3 identify individuals that were responsible for</p> <p>4 actually performing the due diligence on suspicious</p> <p>5 orders?</p> <p>6 MR. HILL: Same objections.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I -- I don't know that I can answer that</p> <p>9 without revealing attorney/client conversations.</p> <p>10 BY MR. MOUGEY:</p> <p>11 Q. You haven't been instructed not to answer.</p> <p>12 I need you to answer this very, very, very simple</p> <p>13 question. We have been in the middle of discovery</p> <p>14 with your company for months.</p> <p>15 Were you asked to identify individuals</p> <p>16 that were responsible for performing due diligence on</p> <p>17 individuals in response to this interrogatory request?</p> <p>18 MR. HILL: Objection to form and same</p> <p>19 instruction.</p> <p>20 BY MR. MOUGEY:</p> <p>21 Q. You -- please answer the question.</p> <p>22 A. I'm not sure how to answer.</p> <p>23 MR. HILL: Do you have a -- a privilege issue?</p> <p>24 THE WITNESS: I -- I don't know. Maybe. I'm</p>	<p style="text-align: right;">Page 128</p> <p>1 answer of whether or not you were asked to identify</p> <p>2 people who performed due diligence on suspicious</p> <p>3 orders --</p> <p>4 MR. HILL: Are you asking him if lawyers told</p> <p>5 him that?</p> <p>6 BY MR. MOUGEY:</p> <p>7 Q. -- in response to your interrogatories?</p> <p>8 MR. HILL: Are you asking him if lawyers told</p> <p>9 him that?</p> <p>10 BY MR. MOUGEY:</p> <p>11 Q. Anybody. What was the scope that you</p> <p>12 performed?</p> <p>13 MR. HILL: Anybody --</p> <p>14 BY MR. MOUGEY:</p> <p>15 Q. Let's do it this way: Did you seek to</p> <p>16 identify individuals that performed due diligence on</p> <p>17 suspicious orders?</p> <p>18 A. Yes.</p> <p>19 Q. And who -- how did you -- how did you go</p> <p>20 investigate to find out individuals and identify</p> <p>21 individuals responsive to this interrogatory who were</p> <p>22 performing suspicious order -- due diligence on</p> <p>23 suspicious orders?</p> <p>24 A. Meetings --</p>
<p style="text-align: right;">Page 127</p> <p>1 not sure.</p> <p>2 BY MR. MOUGEY:</p> <p>3 Q. Then please answer the -- then answer the</p> <p>4 question.</p> <p>5 MR. HILL: If you are concerned about answering</p> <p>6 because of privilege, let's take a one minute.</p> <p>7 MR. MOUGEY: There is -- there is -- there is</p> <p>8 absolutely zero privilege issue of whether or not you</p> <p>9 were asked to identify individuals who performed due</p> <p>10 diligence on suspicious orders in response to these</p> <p>11 interrogatories.</p> <p>12 MR. HILL: Peter, I -- I disagree. You -- you</p> <p>13 are not allowed to ask him was -- did someone say</p> <p>14 something to you and then get around the</p> <p>15 attorney/client privilege that way. He has answered</p> <p>16 this question five times. He has a concern about</p> <p>17 privilege. I'd like to take one minute and just clear</p> <p>18 it up. It may be the yes-or-no answer that you are</p> <p>19 asking for.</p> <p>20 MR. MOUGEY: Or we'll have an epiphany about</p> <p>21 something he didn't remember just this last time we</p> <p>22 stepped into the hall in these meet and confers --</p> <p>23 BY MR. MOUGEY:</p> <p>24 Q. Did -- were you asked -- this is a simple</p>	<p style="text-align: right;">Page 129</p> <p>1 MR. HILL: Objection to the form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Meetings and discussions with John</p> <p>4 Merritello and Denny, et cetera.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. Two people?</p> <p>7 A. I think there were more than two people in</p> <p>8 the meeting. I can't recall.</p> <p>9 Q. Who else was in the meeting?</p> <p>10 A. I don't recall.</p> <p>11 Q. So out of 9,000 stores, you went to two</p> <p>12 people and said, Please identify for me the</p> <p>13 individuals responsible for performing due diligence</p> <p>14 on suspicious orders?</p> <p>15 A. Prior to 2012, I -- those are the</p> <p>16 individuals that I spoke with.</p> <p>17 Q. And who did they tell you?</p> <p>18 A. They -- one of their responses was they</p> <p>19 don't recall the individuals that were involved</p> <p>20 previously. At that time themselves, this list of</p> <p>21 individuals, Barb Martin, Sean Barnes, et cetera.</p> <p>22 Q. So these are the people on this -- this</p> <p>23 list, on Page 12, whether it be the table and the</p> <p>24 names below, that were responsible for actually</p>

<p style="text-align: right;">Page 130</p> <p>1 performing the due diligence on suspicious orders?</p> <p>2 MR. HILL: Objection to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I -- I'm not sure.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. You don't know.</p> <p>7 Who do you think would know? Who out of</p> <p>8 these people are going to be the one that we are</p> <p>9 finally going to find the -- the witness that can</p> <p>10 identify who was doing the due diligence on suspicious</p> <p>11 orders?</p> <p>12 A. I think --</p> <p>13 MR. HILL: Objection to form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I think Denny Murray and Barb Martin would</p> <p>16 know.</p> <p>17 BY MR. MOUGEY:</p> <p>18 Q. Denny Murray and Bob [sic] Martin?</p> <p>19 A. Barb Martin.</p> <p>20 MR. HILL: Barb Martin. You keep saying "Bob."</p> <p>21 BY MR. MOUGEY:</p> <p>22 Q. I don't think I'm saying "Bob." Barb</p> <p>23 Martin?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. Denny, I thought you said Denny earlier?</p> <p>2 A. I did. He goes by Denny. Sorry.</p> <p>3 Q. Okay. Denman Murray.</p> <p>4 So Denman Murray is the second person out</p> <p>5 of 9,000 stores that you were able to ascertain that</p> <p>6 knows something about performing due diligence on</p> <p>7 suspicious orders?</p> <p>8 A. Correct.</p> <p>9 MR. HILL: Objection to form.</p> <p>10 BY MR. MOUGEY:</p> <p>11 Q. Now, think about, do you have any I --</p> <p>12 earthly idea how many orders come in monthly for</p> <p>13 Schedule II and Schedule III narcotics in '11, '12,</p> <p>14 '13?</p> <p>15 A. It -- I -- it's a lot.</p> <p>16 Q. It's -- it's millions, right?</p> <p>17 A. I -- I don't know for sure.</p> <p>18 Q. And Walgreens is dispensing millions and</p> <p>19 millions and millions of Schedule II and Schedule III</p> <p>20 opiates in '10, '11, '12, '13, right?</p> <p>21 A. Pills, prescriptions?</p> <p>22 Q. Dosage units?</p> <p>23 A. Yes -- yes.</p> <p>24 Q. Walgreens has a material number,</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. Barb. Right?</p> <p>2 MR. HILL: Right.</p> <p>3 BY MR. MOUGEY:</p> <p>4 Q. Right?</p> <p>5 A. Yes.</p> <p>6 Q. Barb.</p> <p>7 So it's important we talk to Barb as fast</p> <p>8 as we can about the due diligence that Walgreens was</p> <p>9 performing on suspicious orders, correct?</p> <p>10 MR. HILL: Objection to form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I -- I believe she may know.</p> <p>13 BY MR. MOUGEY:</p> <p>14 Q. Okay. So that's the -- that's one of the</p> <p>15 two people you can think of in your due diligence</p> <p>16 responding to this interrogatory that will know who</p> <p>17 was performing due diligence on suspicious orders?</p> <p>18 MR. HILL: Objection to the form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. I believe that to be correct.</p> <p>21 BY MR. MOUGEY:</p> <p>22 Q. And the other person's name, Denny, Denny</p> <p>23 Murray?</p> <p>24 A. Den -- Denman, same individual.</p>	<p style="text-align: right;">Page 133</p> <p>1 percentage of the market share in '10, '11, '12 on</p> <p>2 Schedule II and Schedule III opiates, correct?</p> <p>3 MR. HILL: Objection to the form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I -- I'm not sure what you mean by</p> <p>6 material.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. Large.</p> <p>9 MR. HILL: Same objection.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I -- I -- I don't know the market share.</p> <p>12 I mean, I know we are a large pharmacy, but I don't</p> <p>13 know the market share.</p> <p>14 BY MR. MOUGEY:</p> <p>15 Q. A large pharmacy that has a significant</p> <p>16 amount of the market share for Schedule II and</p> <p>17 Schedule III opiates, correct?</p> <p>18 MR. HILL: Object to the form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. Yes.</p> <p>21 BY MR. MOUGEY:</p> <p>22 Q. And your investigation into identifying</p> <p>23 people who had knowledge about performing due</p> <p>24 diligence on suspicious orders resulted in two people?</p>

<p style="text-align: right;">Page 134</p> <p>1 MR. HILL: Objection to form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I -- this is the list that we produced,</p> <p>4 yes.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. So the answer to my question is yes?</p> <p>7 MR. HILL: Same objection.</p> <p>8 BY MR. MOUGEY:</p> <p>9 Q. We went through the list and the people</p> <p>10 that have knowledge about due diligence on suspicious</p> <p>11 orders prior to October of 2012 are two people?</p> <p>12 MR. HILL: Same objections.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I mean, those are the people that we</p> <p>15 produced, yes.</p> <p>16 BY MR. MOUGEY:</p> <p>17 Q. You understand that in two weeks you're</p> <p>18 coming back and you and I get to do this again and</p> <p>19 you're going to be wearing the hat of Walgreens.</p> <p>20 You -- you understand that, right?</p> <p>21 A. Yes.</p> <p>22 MR. HILL: Objection to the form.</p> <p>23 BY MR. MOUGEY:</p> <p>24 Q. And you're going to promise me and the</p>	<p style="text-align: right;">Page 136</p> <p>1 30(b)(6) witness and I understand that in the</p> <p>2 intervening time between now and that testimony that</p> <p>3 I'll be prepared to testify in those matters.</p> <p>4 BY MR. MOUGEY:</p> <p>5 Q. About issues regarding pre 2000 --</p> <p>6 October 2012 suspicious order monitoring policies and</p> <p>7 procedures, correct?</p> <p>8 A. I --</p> <p>9 MR. HILL: He'll be prepared to testify about</p> <p>10 the topics that we've agreed to have him testify</p> <p>11 about, including the objections to those.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. Is the answer to my question yes or no,</p> <p>14 sir?</p> <p>15 A. I -- I don't know the content of what I'm</p> <p>16 going to be prepared on yet, so...</p> <p>17 Q. Because you've spent 30 minutes so far?</p> <p>18 A. So I can't -- I can't see the future,</p> <p>19 unfortunately, so...</p> <p>20 Q. If you'd look at Page 25 of your</p> <p>21 interrogatories, Interrogatory No. 23.</p> <p>22 "Describe any and all educational</p> <p>23 information and/or other programs you have provided to</p> <p>24 any customer and/or pharmacy/dispenser you own and/or</p>
<p style="text-align: right;">Page 135</p> <p>1 other side of this table that you are going to be</p> <p>2 armed with the knowledge to answer questions about pre</p> <p>3 October 2012 questions regarding suspicious order</p> <p>4 monitoring policies and procedures, right?</p> <p>5 MR. HILL: Sir, he is not here to make promises</p> <p>6 about procedures. If you have an issue with the</p> <p>7 30(b)(6), you can ask us. He is here to answer</p> <p>8 questions about his factual knowledge. Not make</p> <p>9 promises about what he might know in a 30(b)(6)</p> <p>10 deposition. I'm sorry, that -- that's not a fair</p> <p>11 question.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. You -- you can answer my question and he</p> <p>14 can object later.</p> <p>15 You understand that you are, as appearing</p> <p>16 in a 30(b)(6), that you are making a promise to be</p> <p>17 armed with the information to answer questions</p> <p>18 regarding Walgreens' suspicious order monitoring</p> <p>19 policies and procedures prior to some of 2012,</p> <p>20 correct, sir?</p> <p>21 MR. HILL: Ob- -- objection to the form. Same</p> <p>22 point.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I -- I understand that I will be the</p>	<p style="text-align: right;">Page 137</p> <p>1 control and any other person that address diversion,</p> <p>2 safety, efficacy, misuse and/or prescription of</p> <p>3 opiates or opiate products, from 1990 to the present."</p> <p>4 Do you see that, sir?</p> <p>5 A. This is on Page 25?</p> <p>6 Q. 25, yes, sir, Interrogatory No. 3,</p> <p>7 correct?</p> <p>8 MR. HILL: 23.</p> <p>9 BY THE WITNESS:</p> <p>10 A. Interrogatory 23 on Page 25, yes.</p> <p>11 BY MR. MOUGEY:</p> <p>12 Q. Yes. Thank you.</p> <p>13 Now, let's focus on educational pieces for</p> <p>14 the pharmacy/dispenser.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. What type of educational programs does</p> <p>18 Walgreens provide to its pharmacies, pharmacists and</p> <p>19 employees of those pharmacies?</p> <p>20 A. Currently?</p> <p>21 Q. Any time responsive to this request.</p> <p>22 MR. HILL: Objection to the form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I know that we have training through our</p>

<p style="text-align: right;">Page 138</p> <p>1 good faith dispensing program and target good faith 2 dispensing. There is CE's that we have sponsored or -- 3 or gotten available for pharmacists about dispensing 4 of controlled substances and opioids. We've trained on 5 Naloxone. I know that we participated in various 6 outreach programs, and there were some internal 7 documents related to those and communications, like 8 this "It" -- "It Ends With Us" program. 9 BY MR. MOUGEY: 10 Q. What CE's -- 11 MR. HILL: Were you -- were you finished with 12 your answer, sir? 13 BY THE WITNESS: 14 A. We also had training around our safe 15 medication disposal program. There is an opioid 16 component to that as well. And then recently we've 17 also put kits in place at stores or will be putting 18 them shortly in all of our stores that don't have a 19 kiosk to collect tablets that people wish to dispose 20 of, and there is training around that as well. 21 BY MR. MOUGEY: 22 Q. Okay. Let's do prior to the 2013 23 agreement with the DEA, okay. 24 So based on your investigation, informing</p>	<p style="text-align: right;">Page 140</p> <p>1 Do your -- have an understanding -- or did 2 your investigation not reveal in response to 3 Interrogatory No. 3 that there were CE's put on by the 4 DEA that were offered to your employees? 5 A. Not that I'm aware of. 6 MR. HILL: Objection. Just for the record, 23? 7 MR. MOUGEY: 23, okay. 8 BY THE WITNESS: 9 A. Again, I -- I don't know if there was a 10 CE. I know that there was at times various meetings 11 that the DEA might have attended, but I don't think 12 that was comprehensive across our whole organization. 13 BY MR. MOUGEY: 14 Q. Would you agree that the DEA would be a 15 good source of information about potential issues and 16 problems regarding Schedule II and Schedule III 17 narcotics? 18 A. It can be. 19 Q. And that the information provided by the 20 DEA is valuable for Walgreens when implementing its 21 responsibilities of suspicious order policy -- I'm 22 sorry -- suspicious order monitoring? 23 MR. HILL: Objection to the form. 24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 139</p> <p>1 yourself so you can verify these interrogatories, what 2 educational or programs did you identify for any 3 Walgreens' employees about opiates or suspicious order 4 monitoring? 5 MR. HILL: Objection to form. 6 BY THE WITNESS: 7 A. I don't -- I don't think we were able to 8 identify those due to the period of time. There 9 were -- I'm told there were programs, but I don't know 10 that we have retained those materials and they've been 11 superseded by other things. 12 BY MR. MOUGEY: 13 Q. Were there programs put on by the DEA -- 14 A. No. 15 Q. -- that your employees attended? 16 A. I know that sometimes DEA would attend 17 meetings of pharmacists at the district level. I 18 don't know that that was comprehensive or complete 19 across the whole company and varied field office to 20 field office. 21 Q. Well, let me hand you a document we've 22 identified. It is P-WAG 1257. 23 We'll come back to that. We'll come back 24 to that.</p>	<p style="text-align: right;">Page 141</p> <p>1 A. I can tell you that we receive varying 2 guidance from DEA field offices, sometimes 3 conflicting. We seek to use that information as best 4 we can, but it's not always 100 percent. We've had 5 field offices, for instance, tell us they don't want 6 our controlled substance suspicious -- suspicious order 7 reports. So -- 8 BY MR. MOUGEY: 9 Q. Who told you that? 10 A. Field agents from dare -- various 11 different field offices have at times said, Stop 12 sending us these faxes with all of these orders. 13 Q. Do you have that information directly from 14 one of the field agents? 15 A. I've had that conversation with my 16 employees or analysts on our department that have been 17 sending out those communications that they've spoke to 18 field agents that said, We don't want this or, for 19 instance, another example, the -- the New Orleans 20 field office wanted to have a change in how we report 21 one-business-day letters about 106 losses that wasn't 22 consistent with any other field office. So we take 23 their comments under advisement, but... 24 Q. But the question I asked you was: Did you</p>

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1 have that can -- conversation directly. So the answer
2 to my question is no, correct?
3 A. Regarding the field agents?
4 Q. Yes, that's exactly right, that's the
5 question I asked you a few minutes ago --
6 A. I did not speak directly with the field
7 agent.
8 Q. And so who told you that the DEA -- which
9 one of your employees told you the DEA asked to stop
10 sending suspicious order reports?
11 A. I believe it was Steve Mills, Taylor
12 Mayur, and I'm trying to -- I can't recall. We've
13 been told on numerous occasions, though.
14 Q. But you -- did you take that information
15 and run it up the food chain to Ms. Polster?
16 A. I think we discussed it with our
17 regulatory law team.
18 Q. You did.
19 A. And we continued to report respective of
20 their guidance.
21 Q. And what memorialization or documentation
22 is there where the DEA told your group to stop sending
23 suspicious order reports?
24 MR. HILL: Object to the form.

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1 BY THE WITNESS:
2 A. They are -- I don't know. It was some
3 time ago. It might be e-mail.
4 BY MR. MOUGEY:
5 Q. Did someone send a -- a letter or an
6 e-mail to the DEA asking for more information about
7 why they wanted to stop sending suspicious order
8 reports?
9 A. I know --
10 MR. HILL: Object to form.
11 BY THE WITNESS:
12 A. I know that some of it was phone calls
13 because they would reply to the fax number that we
14 would fax it in on. I don't know if there are e-mails
15 or not.
16 BY MR. MOUGEY:
17 Q. So -- so in the middle of the opiate
18 crisis, deaths are going through the roof, overdoses
19 are through the roof, there -- DE -- DEA is imposing
20 fine after fine after fine, issuing orders of
21 suspension, the DEA called and said, You know what,
22 Walgreens, we really don't need any more suspicious
23 order reports.
24 Is that -- is that your testimony?

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1 A. A --
2 MR. HILL: Object to form.
3 BY THE WITNESS:
4 A. -- a field agent from the DEA, yes.
5 BY MR. MOUGEY:
6 Q. Yes.
7 Was that pre or post \$80 million payment
8 to the DEA for Walgreens failing to implement its
9 suspicious order monitoring policies?
10 MR. HILL: Objection to the form.
11 BY THE WITNESS:
12 A. It -- it was after our settlement with the
13 DEA.
14 BY MR. MOUGEY:
15 Q. Oh, it was -- it was post 2013?
16 A. Correct.
17 MR. HILL: Objection to the form.
18 BY THE WITNESS:
19 A. It was post 2013.
20 BY MR. MOUGEY:
21 Q. Okay. The DEA, according to -- to you and
22 the people that you spoke with, told Walgreens post
23 DEA settlement, which is June of 2013, to stop sending
24 suspicious order reports?

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1 A. A field agent of one of the offices of the
2 DEA spoke with one of my employees and said, We don't
3 want to receive these reports any longer.
4 Q. And you believe that there should be an
5 e-mail or a letter confirming that from Walgreens back
6 to the DEA?
7 A. I --
8 MR. HILL: Objection to the form.
9 BY THE WITNESS:
10 A. I don't know for certain. I know that
11 there was internal discussion with our regulatory law
12 team. There may be e-mails that exist somewhere. I
13 don't know for certain.
14 BY MR. MOUGEY:
15 Q. I'm going to hand you what I've marked
16 as 4.
17 (WHEREUPON, a certain document was
18 marked Walgreens-Bratton Deposition
19 Exhibit No. 004, for identification,
20 as of 11/30/2018.)
21 BY MR. MOUGEY:
22 Q. Do you know a Patty Zagami?
23 A. Yes.
24 Q. And she is in the litigation regulatory

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1 law department, correct?
2 A. Correct.
3 Q. And do you see the date of this -- of her
4 e-mail is 2/17/2012, right?
5 A. Correct.
6 Q. And you see "Subject: DEA conference,"
7 right?
8 A. Correct.
9 Q. And I'm -- right below it says, "RPH."
10 What's RPH stand for?
11 A. Next to Patty's name, is that what you are
12 referring to?
13 Q. "RPH, this is a great opportunity."
14 Do you see that?
15 A. Oh, RPH is -- oh, at the top, yes.
16 Q. I'm sorry. Right below.
17 A. Yes.
18 Q. Upper -- right -- right below the
19 "Subject: DEA conference" and in uppercase it's
20 "RPH."
21 Do you see that?
22 A. Correct, yes.
23 Q. All right. Do you know what "RPH" stands
24 for?

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1 A. Pharmacist, registered pharmacist.
2 Q. Okay. And:
3 "This is a great opportunity to earn seven
4 live CEs on a very hot topic. You might want to
5 consider this if you have off that weekend."
6 Do you see that?
7 A. Yes.
8 Q. Now, had you seen e-mails similar to this
9 that the DEA was -- was offering conferences or CEs,
10 rather, on diversion?
11 A. I've -- I've heard that they have at times
12 had CEs, yes.
13 Q. Okay. But in response to
14 Interrogatory 23, can you find me -- when you are
15 doing your due diligence and were asking for
16 educational information or other programs, maybe I'm
17 just missing it, but do you see anything in here where
18 we talk about DEA continuing education programs?
19 MR. HILL: Where does it say in the rog that you
20 want --
21 MR. MOUGEY: I don't need any speaking
22 objections from you guys.
23 MR. HILL: I'm asking a question.
24 MR. MOUGEY: I don't need you to ask a question.

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1 If you want to object to the form, object to the form,
2 but I don't want --
3 MR. HILL: Object to the form.
4 BY MR. MOUGEY:
5 Q. Do you see anywhere in response to
6 Interrogatory No. 23 that you told us and Judge
7 Polster that, Well, the DEA offered continuing
8 education to our employees?
9 A. So the interrogatory says: "Describe any
10 and all information or other programs you have
11 provided," so we didn't provide the DEA ones.
12 Q. So by your legal department e-mailing your
13 RHPs, your pharmacists, saying this is a hot topic,
14 you should attend, you don't think that that's
15 responsive to Interrogatory No. 3 -- 23?
16 MR. HILL: Objection to the form.
17 BY THE WITNESS:
18 A. Personally, no, I do not. I don't know
19 if --
20 BY MR. MOUGEY:
21 Q. So --
22 A. -- I'm not a lawyer.
23 Q. -- previously when you responded and said,
24 Well, CEs that we sponsored, that's different than DEA

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1 continuing education programs?
2 A. Correct.
3 Q. So, in fact, the DEA did offer and
4 Walgreens did provide that opportunity to its
5 pharmacist to attend, correct?
6 MR. HILL: Objection to form.
7 BY THE WITNESS:
8 A. I -- I disagree. We didn't pay them, we
9 didn't pay for the CE. We just notified them that it
10 was available. I don't think that would meet the
11 definition of providing, at least as I understand it.
12 BY MR. MOUGEY:
13 Q. So you don't think this DEA conference
14 that your legal department identified for your
15 pharmacists on drug diversion conference was
16 responsible to: "Describe any and all educational
17 information and/or other programs you have provided to
18 any, including pharmacy/dispenser," correct?
19 MR. HILL: Objection to the form.
20 BY THE WITNESS:
21 A. I -- I don't believe so.
22 BY MR. MOUGEY:
23 Q. Well, why don't we spend a minute and go
24 through this document. So on the e-mail the

<p style="text-align: right;">Page 150</p> <p>1 description is: "DEA to host drug diversion 2 conference in Florida." 3 Do you see that? 4 A. Yes. 5 Q. Now, the date of this is 2/17/2012. 6 So, where are you working at Walgreens in 7 2012? 8 A. Central pharmacy operations in Orlando, 9 Florida. 10 Q. In Orlando, Florida, okay. 11 And where were you based out of in 12 Orlando, where was your office? 13 A. It is on Sand Lake Road near I Drive in 14 downtown -- not downtown, but the center area of 15 Orlando. 16 Q. Is it a corporate headquarters or is it 17 a -- was there actually a -- a pharmacy in that 18 location? 19 A. That was a pharmacy location that had some 20 support staff at it. 21 Q. All right. And that wasn't one of the 22 pharmacies that was -- that quit dispensing 23 Schedule II and Schedule III narcotics as a result of 24 the DEA investigation in 2013, was it?</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. And part of the reason you didn't tell us 2 about this conference is because you didn't pay for 3 the -- the filing fee, right? 4 MR. HILL: Objection to the form. 5 BY THE WITNESS: 6 A. Not that I'm aware of, no. 7 BY MR. MOUGEY: 8 Q. Yes, sir. Excepting for this next 9 sentence says: 10 "The conference, which is free, will 11 enable pharmacists and pharmacy technicians to earn up 12 to seven continuing education credits." 13 Do you see that? 14 A. Yes. 15 Q. And -- and continuing education, that's 16 something that the pharmacists and pharmacy 17 technicians have to fill and meet each year, correct? 18 MR. HILL: Objection to the form. 19 BY THE WITNESS: 20 A. I believe for pharmacists. I don't know 21 that techs have to, but... 22 BY MR. MOUGEY: 23 Q. And this is in West Palm Beach, just a few 24 hour drive from Orlando, right?</p>
<p style="text-align: right;">Page 151</p> <p>1 A. They did not have a sh- -- order to show 2 cause, no. 3 Q. And that was not one of the six Walgreens' 4 pharmacies that ceased dispensing Schedule II and 5 Schedule IIIs as a result of the DEA investigation in 6 2012 and 2013? 7 A. It was not. 8 Q. Okay. So the description: 9 "Next month, the US Drug Enforcement 10 Administration will hold a conference to help 11 pharmacists identify and respond to prescription drug 12 diversion." 13 That's kind of what it says here, a hot 14 topic at this point, right? 15 A. Yes. 16 Q. The OxyContin overdose deaths are 17 exponentially increasing and had been for years in 18 Florida, correct? 19 MR. HILL: Objection to form. 20 BY THE WITNESS: 21 A. I -- I don't -- I know there was news and 22 things about deaths. I don't know if they were 23 exponentially increasing or how many there were. 24 BY MR. MOUGEY:</p>	<p style="text-align: right;">Page 153</p> <p>1 A. Correct. 2 Q. And it continues: 3 "The conference agenda includes sessions 4 on drug trends..." 5 And that's an important part of 6 identifying suspicious orders, correct, sir? 7 A. I'm not sure what they mean by drug 8 trends. 9 Q. You don't have any idea what the word 10 "trend" means? 11 A. I don't know -- 12 MR. HILL: Object to the form. 13 BY THE WITNESS: 14 A. I don't know that it relates to suspicious 15 orders. I see that there are -- it says "drug trends" 16 there. 17 BY MR. MOUGEY: 18 Q. Well, you see the word "diversion" in the 19 title, right? 20 A. Correct. 21 Q. And you understand that we are talking 22 about drug trends in the context of diversion, 23 correct? 24 A. Correct.</p>

<p style="text-align: right;">Page 154</p> <p>1 Q. And the -- the conference covers 2 pharmacists' responsibilities to minimize diversion 3 risks, drug theft prevention, requirements for retail 4 distributors, and the imp- -- implementation of 5 Florida's prescription drug monitoring program, 6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. That's right up Walgreens' alley in -- in 9 July of 2012 regarding its SOM policies, correct?</p> <p>10 MR. HILL: Objection to the form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I don't -- I can't say for certain.</p> <p>13 BY MR. MOUGEY:</p> <p>14 Q. Well, let's look through this and see what 15 you think about how -- so if you would, sir, just flip 16 through to the page that is at the very top right-hand 17 corner, it is 1257.002, "Commonly Abused Controlled 18 Pharmaceuticals."</p> <p>19 MR. HILL: That -- that's on all pages.</p> <p>20 MR. MOUGEY: That's not on all of yours?</p> <p>21 MR. HILL: That's on all of them.</p> <p>22 MR. MOUGEY: Oh, it is the same one on all of 23 them?</p> <p>24 MR. HILL: Yeah.</p>	<p style="text-align: right;">Page 156</p> <p>1 BY THE WITNESS:</p> <p>2 A. I -- I don't see that here. I mean I see 3 that --</p> <p>4 BY MR. MOUGEY:</p> <p>5 Q. You don't know that?</p> <p>6 A. -- it says "commonly abused prescription 7 pharmaceuticals." I don't -- but I didn't attend this 8 conference. I don't -- I don't have any of the 9 surrounding details.</p> <p>10 Q. If you would turn in to a few more pages 11 that -- The Scope and Extent of the Problem, it has a 12 bar chart.</p> <p>13 A. Okay.</p> <p>14 Q. And this chart, according to the DEA, 15 identifies in blue a growing dosage units of narcotic 16 pain relievers at the bottom of the badge -- page.</p> <p>17 Do you see that?</p> <p>18 MR. HILL: Objection to the form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. I -- I see the -- the numbers increased 21 from '04 to '07.</p> <p>22 BY MR. MOUGEY:</p> <p>23 Q. '04 is 4.3 million and by at the time it's 24 '07, 5.2 million?</p>
<p style="text-align: right;">Page 155</p> <p>1 BY MR. MOUGEY:</p> <p>2 Q. So it's about five pages in. I might be 3 off a page or two. It is up on the screen if you want 4 to see the -- the picture.</p> <p>5 A. Okay.</p> <p>6 Q. And we've got OxyContin as a -- one of the 7 commonly abused controlled pharmaceuticals, right?</p> <p>8 A. Correct.</p> <p>9 Q. Hydrocodone?</p> <p>10 MR. HILL: Objection to the form.</p> <p>11 BY MR. MOUGEY:</p> <p>12 Q. Do you see that?</p> <p>13 A. I see that on the page.</p> <p>14 Q. Oxymorphone on the middle of the page?</p> <p>15 A. I see that on the page, yes.</p> <p>16 Q. We have oxy 30s at the bottom of the page?</p> <p>17 A. Um-hum.</p> <p>18 Q. And Alprazolam, which I can never 19 pronounce, on the bottom right-hand side?</p> <p>20 A. Yes.</p> <p>21 Q. And that was part of the -- the cocktails 22 that the DEA was asking distributors to be alert for, 23 correct?</p> <p>24 MR. HILL: Object to the form.</p>	<p style="text-align: right;">Page 157</p> <p>1 A. Correct.</p> <p>2 Q. Go to the next page, "Percentage of Past 3 Month Non-Medical Use."</p> <p>4 A. Yes.</p> <p>5 Q. "18 to 25," "26 and older," you see that, 6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. "Economic Impact" on the next page, 9 53.4 billion?</p> <p>10 A. Yes.</p> <p>11 Q. At the bottom, five drugs, OxyContin, 12 oxycodone, hydrocodone, amongst others, for two-thirds 13 of the economic burden.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. This all appears to be information that 17 would be extremely helpful to pharmacists and people 18 in Walgreens' department responsible for identifying 19 and performing due diligence on suspicious orders, 20 right?</p> <p>21 MR. HILL: Objection to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I think understanding the DEA's position 24 is always helpful. You know, for these pharmacists in</p>

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1 West Palm Beach, this might have been a good lecture
 2 to attend.
 3 BY MR. MOUGEY:
 4 Q. So this is a West Palm Beach problem?
 5 A. That's where the conference was.
 6 Q. It is. But it's -- this -- this material
 7 wouldn't be helpful for those individuals outside of
 8 West Palm Beach?
 9 A. It might have been.
 10 Q. Do you have any understanding of whether
 11 or not this or similar-type presentations were put on
 12 around the country?
 13 A. I -- I do not.
 14 Q. As part of your investigation into
 15 informing yourself to respond to these
 16 interrogatories, did you ask around whether or not
 17 these types of conferences were available?
 18 A. I did.
 19 Q. You did.
 20 But you didn't think they were responsive
 21 to Interrogatory No. 23 because they weren't provided
 22 by Walgreens, correct, sir?
 23 A. Correct.
 24 Q. But, sir, if you look to -- go back to, I

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1 think it was 4, the interrogatories -- don't lose your
 2 page there, in the one we just left, because we are
 3 going to go back to it -- go to Interrogatory No. 12.
 4 MR. HILL: What page is that one on?
 5 MR. MOUGEY: 17.
 6 BY MR. MOUGEY:
 7 Q. "Please identify and date the location of
 8 each DEA meeting, training, informational or
 9 educational session, or briefing provided to you by
 10 the Diversion Control Division, or other DEA
 11 employees, related to the distribution of controlled
 12 substances."
 13 Right?
 14 A. Yes.
 15 Q. And so we did ask, were there DEA meeting,
 16 training, information or educational sess- -- sessions
 17 provided to you by the diversion control -- control
 18 division, correct?
 19 A. Correct.
 20 Q. But yet --
 21 MR. HILL: Just for the record of completeness,
 22 and we said we will produce documents to you, which is
 23 what we did, including the document you are holding.
 24 MR. MOUGEY: I appreciate that, but it is not

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1 appropriate in the middle of a deposition.
 2 MR. HILL: It is.
 3 MR. MOUGEY: No, it is not. If you want, you
 4 have your time to do it, if you want to ask him
 5 questions later, I don't know -- the repeated speaking
 6 objections in the middle of these objections --
 7 MR. HILL: Sir, that is not a speaking
 8 objection.
 9 MR. MOUGEY: It is.
 10 MR. HILL: Pretending to him that we said we
 11 would produce it, and what we said was we will give
 12 you the documents we have and that's what we did.
 13 BY MR. MOUGEY:
 14 Q. What did you do to find the docs -- the
 15 documents -- you didn't do anything to find these
 16 documents because you said they weren't responsive,
 17 right?
 18 A. There was --
 19 Q. Because they weren't provided by you, so
 20 you didn't do anything?
 21 A. Me personally, no.
 22 Q. No.
 23 Let me hand you what -- marked as 1258,
 24 and hold onto the -- the --

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1 MR. MOUGEY: This is Bratton 5, I believe.
 2 (WHEREUPON, a certain document was
 3 marked Walgreens-Bratton Deposition
 4 Exhibit No. 005, for identification,
 5 as of 11/30/2018.)
 6 BY MR. MOUGEY:
 7 Q. Just look at the very first page of
 8 Bratton 5.
 9 Do you see that it's the same title
 10 page as Bratton 4?
 11 A. Yes.
 12 Q. Except in 4 it is in Indianapolis, Indiana
 13 versus West Palm, correct?
 14 A. Correct.
 15 MR. HILL: In 5.
 16 BY MR. MOUGEY:
 17 Q. I'm sorry. Bratton 5 -- 4 and 5 are
 18 almost identical on the title page rather than one
 19 says West Palm and one says Indianapolis, right?
 20 A. Correct.
 21 Q. But you didn't ask anybody, Hey, what DEA
 22 conferences did we go to, rather we put it in the
 23 middle of several hundred thousand documents and let
 24 us find it.

<p style="text-align: right;">Page 162</p> <p>1 Is that the -- is that the plan?</p> <p>2 MR. HILL: Objection to the form.</p> <p>3 BY MR. MOUGEY:</p> <p>4 Q. Was that the plan, just to let us find it</p> <p>5 in the several hundred thousand docs when a coup- --</p> <p>6 couple of inquiries around Walgreens could have</p> <p>7 pointed out some of these different types of</p> <p>8 materials, correct?</p> <p>9 MR. HILL: Objection to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I don't think that was the plan.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. I get that wasn't the plan.</p> <p>14 So let's keep going through Bratton 4.</p> <p>15 Please continue to turn to "Most Frequent</p> <p>16 Method of Obtaining a Pharmaceutical Controlled</p> <p>17 Substance for Non-Medical Use."</p> <p>18 Do you see that? "Friends and</p> <p>19 family...for free!!"</p> <p>20 MR. HILL: Peter, about how many pages in?</p> <p>21 MR. MOUGEY: Just a couple more.</p> <p>22 Next page, I think. Keep going.</p> <p>23 There we go. Thank you.</p> <p>24 BY MR. MOUGEY:</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. It just kind of makes sense, wouldn't it,</p> <p>2 if there are more pills in -- in homes' medicine</p> <p>3 cabinets, more access, the higher the probability of</p> <p>4 abuse, correct?</p> <p>5 MR. HILL: Object to the form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I don't know. Also, I would point out</p> <p>8 that the quantities that you pointed out on the</p> <p>9 previous slide, the DEA approves all product before it</p> <p>10 goes into the market, and if they were so concerned,</p> <p>11 why didn't they reduce their quotas for opioid drugs?</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. Do you know who they rely on when they are</p> <p>14 making decisions about their quotas?</p> <p>15 A. I do not.</p> <p>16 Q. Do you know that that is in part Walgreens</p> <p>17 about the -- the organic demand for those quotas?</p> <p>18 MR. HILL: Objection to the form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. I did not know that.</p> <p>21 BY MR. MOUGEY:</p> <p>22 Q. Next slide: "So Many Drugs in the</p> <p>23 Household - Why? Unreasonable quantities being</p> <p>24 prescribed."</p>
<p style="text-align: right;">Page 163</p> <p>1 Q. Do you agree with the DEA slide: "Most</p> <p>2 Frequent Method of Obtaining a Pharmaceutical</p> <p>3 Controlled Substance for Non-Medical Use. Friends and</p> <p>4 Family... for Free!!"?</p> <p>5 A. I don't --</p> <p>6 MR. HILL: Object to form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I don't know how they arrived at this</p> <p>9 conclusion. There's no citations, so I don't think</p> <p>10 they are lying on purpose, but I don't know it to be</p> <p>11 true either.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. Would you agree that the larger the amount</p> <p>14 of pills, Schedule II and III, that are diverted, the</p> <p>15 higher the probability for abuse in the community?</p> <p>16 MR. HILL: Objection to the form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I don't know that to be true.</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. Do you have any understanding that the</p> <p>21 increase in the volume of Schedule II and III</p> <p>22 narcotics that are dispensed, that there is a</p> <p>23 connection to the amount of pills that are abused?</p> <p>24 A. I don't -- I don't know that to be true.</p>	<p style="text-align: right;">Page 165</p> <p>1 Do you see that?</p> <p>2 A. I see that.</p> <p>3 Q. And that would be part of the importance</p> <p>4 of the suspicious monitoring policy to identify</p> <p>5 unreasonable quantities being prescribed, correct?</p> <p>6 A. Suspicious -- the shipment of orders and</p> <p>7 the fulfillment of prescriptions are related but not</p> <p>8 directly correlated -- or linked.</p> <p>9 Q. Sir, but the point of suspicious order</p> <p>10 monitoring policies at Walgreens is to identify</p> <p>11 suspicious orders and unreasonable quantities of</p> <p>12 Schedule II and III narcotics being prescribed,</p> <p>13 correct?</p> <p>14 A. Being --</p> <p>15 MR. HILL: Object to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I believe it to be being shipped to the</p> <p>18 store.</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. And in order to be shipped, they have to</p> <p>21 be prescribed, correct?</p> <p>22 A. No.</p> <p>23 Q. And that's Walgreens' job is to identify</p> <p>24 the suspicious order -- suspicious orders as part of</p>

<p style="text-align: right;">Page 166</p> <p>1 their policy, correct?</p> <p>2 MR. HILL: Objection to form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. Our policy is to identify those. However,</p> <p>5 just because a product is -- let's say we missed it</p> <p>6 and it was shipped to the store, that doesn't mean it</p> <p>7 just gets handed out the door. It still has to have a</p> <p>8 prescription be presented and then the due diligence</p> <p>9 of the pharmacist to actually dispense that to a</p> <p>10 patient. We don't -- just because it was shipped</p> <p>11 doesn't mean it was dispensed.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. And you would agree with me that good</p> <p>14 faith dispensing and controlled order substance policy</p> <p>15 monitoring are two different functions to prevent</p> <p>16 diversion?</p> <p>17 A. Correct.</p> <p>18 Q. If you go about ten slides in, "OxyContin,</p> <p>19 heroin."</p> <p>20 A. Oh.</p> <p>21 Q. Do you see that?</p> <p>22 A. Um-hum.</p> <p>23 Q. "Circle of addiction in the next</p> <p>24 generation," right?</p>	<p style="text-align: right;">Page 168</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't know that to be true.</p> <p>3 BY MR. MOUGEY:</p> <p>4 Q. At -- at the top of this page the DEA is,</p> <p>5 at the continuing education conference, telling</p> <p>6 pharmacists in the State of Florida that there is a</p> <p>7 circle of addiction that begins with oxycodone and</p> <p>8 continues into heroin, correct, sir?</p> <p>9 MR. HILL: Objection to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I see that that's on the slides. However,</p> <p>12 in other slides they cited medical studies from</p> <p>13 various colleges and other things and here they</p> <p>14 haven't cited anything. I see that it's there and</p> <p>15 that's their opinion of whoever prepared this, but I</p> <p>16 don't know that it is true fact.</p> <p>17 BY MR. MOUGEY:</p> <p>18 Q. Have you ever seen anything at -- any</p> <p>19 materials at Walgreens wherein Walgreens cites studies</p> <p>20 about the causal connection between heroin and</p> <p>21 Schedule II and Schedule III opiates?</p> <p>22 A. Not that I recall.</p> <p>23 Q. Do you understand that Walgreens has a --</p> <p>24 what's called a Walgreens University?</p>
<p style="text-align: right;">Page 167</p> <p>1 Do you see at the top of the slide,</p> <p>2 "Oxycodone"?</p> <p>3 A. Yes.</p> <p>4 Q. "OxyContin," and then you see "heroin" at</p> <p>5 the bottom?</p> <p>6 A. Yes.</p> <p>7 Q. You have an understanding that</p> <p>8 prescription pharmaceutical Schedule II and</p> <p>9 Schedule III opiates increases the probability that an</p> <p>10 individual will abuse heroin at some point?</p> <p>11 MR. HILL: Objection to the form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I understand that Schedule II and III</p> <p>14 opioids have a higher potential for abuse. I don't</p> <p>15 know that that is -- forces them to be abused or will</p> <p>16 result in their abuse necessarily.</p> <p>17 BY MR. MOUGEY:</p> <p>18 Q. I didn't ask you if it forced them. I</p> <p>19 asked you if it increased the probability of an</p> <p>20 individual using heroin at some point --</p> <p>21 A. I don't -- I --</p> <p>22 Q. -- if they are addicted to Schedule II and</p> <p>23 Schedule III opiates?</p> <p>24 MR. HILL: Objection to the form.</p>	<p style="text-align: right;">Page 169</p> <p>1 A. Correct.</p> <p>2 Q. And that it puts on -- it puts on</p> <p>3 educational material for its own employees, correct?</p> <p>4 A. Correct. Typically corporate employees.</p> <p>5 I don't know how much interaction they have with</p> <p>6 field, at-the-store employees.</p> <p>7 Q. Yes, sir.</p> <p>8 And they, "they" meaning Walgreens</p> <p>9 corporate, brings in academics to educate its own</p> <p>10 people, correct?</p> <p>11 A. I -- I don't know who they bring in or</p> <p>12 what the content is. All of the classes that I've</p> <p>13 attended were led by staff of the -- of Walgreens.</p> <p>14 Q. And you would agree that in order to</p> <p>15 present at Walgreens to corporate staff that it would</p> <p>16 have to be somebody that knew what they were doing,</p> <p>17 right?</p> <p>18 A. I don't know that to be true or untrue.</p> <p>19 Q. Do you think that Walgreens brings in</p> <p>20 people to -- at Walgreens University that -- that</p> <p>21 wouldn't know what they were doing or weren't experts</p> <p>22 in their field?</p> <p>23 MR. HILL: Object to the form.</p> <p>24 BY THE WITNESS:</p>

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1 A. I don't know.
 2 MR. HILL: Peter, when you get to a decent
 3 break -- breaking time. We have been going about an
 4 hour 40 and it's noon and lunch is here.
 5 MR. MOUGEY: Yeah, that would be --
 6 MR. HILL: So whenever you get to a break.
 7 MR. MOUGEY: That would be perfect.
 8 Let me just finish this one --
 9 MR. HILL: Sure.
 10 MR. MOUGEY: -- line here.
 11 I'll tell you what, I'll come back to it.
 12 Let's just get finished with this and I'll come back
 13 to that after lunch.
 14 BY MR. MOUGEY:
 15 Q. So you are not aware of Walgreens taking
 16 any positions, whether it be Walgreens University or
 17 any other material, that there was a causal connection
 18 between Schedule II and Schedule III narcotics and
 19 heroin use?
 20 A. Not that I recall that Walgreens put
 21 forth.
 22 Q. Were you aware of any educational material
 23 as an employee at Walgreens based in Florida about the
 24 increasing problem with overdose deaths in Florida

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1 related to Schedule II and Schedule III narcotics?
 2 A. Not that I am aware of. However, in that
 3 role we were not -- they -- there might have been
 4 things provided to the field, but not that I'm aware
 5 of.
 6 Q. Sure.
 7 A. I wouldn't have been privy to that.
 8 Q. And all I'm asking is what you were aware
 9 of.
 10 So your answer to my question is, no, I'm
 11 not aware of anything that anybody told me at
 12 Walgreens that there was increasing deaths
 13 attributable to Schedule II and Schedule III narcotics
 14 or opiates in Florida when you were base -- based out
 15 of there?
 16 MR. HILL: Objection to the form.
 17 BY THE WITNESS:
 18 A. I -- I did not receive any.
 19 BY MR. MOUGEY:
 20 Q. Were you -- did you receive any training
 21 or education that there were a significant problems
 22 with doctor shopping in the State of Florida for
 23 Schedule II and Schedule III narcotics?
 24 MR. HILL: Objection to form.

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1 BY THE WITNESS:
 2 A. I did not.
 3 BY MR. MOUGEY:
 4 Q. Were you aware that there -- if there were
 5 any educational training when you were employed by
 6 Walgreens in the State of Florida that Florida was the
 7 location for out-of-state patients, including Ohio,
 8 with pills migrating?
 9 MR. HILL: Objection to form.
 10 BY THE WITNESS:
 11 A. Not that I'm aware of from Walgreens.
 12 I've heard that in the news that patients came to
 13 Florida, but I -- not that I recall from Walgreens.
 14 BY MR. MOUGEY:
 15 Q. Bear with me one second so I can close the
 16 loop on that and we can take a break for lunch.
 17 MR. MOUGEY: I can't find it. This is a good
 18 time to stop.
 19 Go ahead.
 20 THE VIDEOGRAPHER: Going off the record at
 21 12:04 p.m.
 22 (WHEREUPON, a recess was had
 23 from 12:04 to 12:43 p.m.)
 24 THE VIDEOGRAPHER: We are back on the record at

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1 12:43 p.m.
 2 BY MR. MOUGEY:
 3 Q. Mr. Bratton, before lunch you -- we were
 4 looking through one of the DEA presentation slides, I
 5 believe it was Bratton 4, and you mentioned the DEA
 6 approved all of this or this was -- you pointed the --
 7 your finger at the DEA.
 8 Do you recall what I'm referring to?
 9 A. Yes.
 10 Q. And -- and you are referring to the -- the
 11 quotas, right?
 12 A. Correct.
 13 Q. And is that your opinion sitting here that
 14 this -- the fault for the runaway growth is the DEA's?
 15 MR. HILL: Objection to form.
 16 BY THE WITNESS:
 17 A. My opinion is that this is a multifaceted
 18 issue in which the DEA played a part.
 19 BY MR. MOUGEY:
 20 Q. And do you believe that Walgreens' failure
 21 to identify suspicious orders and halt shipments
 22 played a role in the runaway growth?
 23 MR. HILL: Objection to the form.
 24 BY THE WITNESS:

<p style="text-align: right;">Page 174</p> <p>1 A. I don't know that we failed to do that.</p> <p>2 I -- I disagree.</p> <p>3 BY MR. MOUGEY:</p> <p>4 Q. Do you agree that continuing to send</p> <p>5 additional product without a system that would limit</p> <p>6 or review contributed to the runaway growth?</p> <p>7 A. I don't know.</p> <p>8 Q. You don't know?</p> <p>9 A. I don't know.</p> <p>10 Q. But you do know enough to point the finger</p> <p>11 at the DEA?</p> <p>12 A. I know that they -- again, they played a</p> <p>13 role in improving [sic] the quotas.</p> <p>14 Q. And after being in pharmaceutical</p> <p>15 integrity at Walgreens now for five or six years, you</p> <p>16 don't know enough of whether or not Walgreens'</p> <p>17 inability to identify suspicious orders, perform due</p> <p>18 diligence and halt those suspicious orders contributed</p> <p>19 at all to the runaway growth?</p> <p>20 MR. HILL: Objection to the form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I don't know that we've ever agreed to</p> <p>23 that or that to be true.</p> <p>24 BY MR. MOUGEY:</p>	<p style="text-align: right;">Page 176</p> <p>1 solely. However, I would question, personally, why</p> <p>2 that if they had so many concerns they would continue</p> <p>3 to increase quotas.</p> <p>4 BY MR. MOUGEY:</p> <p>5 Q. Yes, sir.</p> <p>6 And you found it, at that point in time,</p> <p>7 with no question pending, to point to the DEA as</p> <p>8 continuing to increase quotas as the -- one of the</p> <p>9 major components of the problem, correct, sir?</p> <p>10 A. I don't --</p> <p>11 MR. HILL: Objection to the form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. No.</p> <p>14 BY MR. MOUGEY:</p> <p>15 Q. Do you want to withdraw your answer before</p> <p>16 pointing your finger at the DEA?</p> <p>17 A. I didn't say it was a major component. I</p> <p>18 said it's a component.</p> <p>19 Q. Yes, sir.</p> <p>20 Do you want to withdraw your answer</p> <p>21 pointing the finger at the DEA?</p> <p>22 A. No, I do not.</p> <p>23 MR. MOUGEY: No. 6.</p> <p>24 (WHEREUPON, a certain document was</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. Do you agree that Walgreens' previous</p> <p>2 system would continue to send additional product to</p> <p>3 the store without limit or review which made possible</p> <p>4 the runaway growth?</p> <p>5 A. Based on what I know today, no.</p> <p>6 Q. Based on what you knew in 2013?</p> <p>7 A. So, I -- I believe you are referring to a</p> <p>8 letter that I -- we prepared on. I don't think that</p> <p>9 that opinion that I felt in that e-mail was factually</p> <p>10 informed. I was -- as I've stated earlier, we were</p> <p>11 very focused on implementing the settlement agreement</p> <p>12 as it pertained to moving forward and not as the old</p> <p>13 system functioned. So I don't think my understanding</p> <p>14 then or today can really be accurate as to the nature</p> <p>15 of the old system.</p> <p>16 Q. But sitting here today in front of this</p> <p>17 jury going through a DEA slide, you took no</p> <p>18 hesitation, zero, with pointing out, without even a</p> <p>19 question pending, that this is the DEA's fault, did</p> <p>20 you, sir?</p> <p>21 A. I'm not --</p> <p>22 MR. HILL: Objection to the form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I don't think it was the DEA's fault</p>	<p style="text-align: right;">Page 177</p> <p>1 marked Walgreens-Bratton Deposition</p> <p>2 Exhibit No. 006, for identification,</p> <p>3 as of 11/30/2018.)</p> <p>4 MR. MOUGEY: It is 1146.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. So what I've put in front of you is an</p> <p>7 e-mail from you to Amish Patel, correct, sir?</p> <p>8 A. Correct.</p> <p>9 Q. And it is dated 8/19/2013, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And you are relaying that, subject to the</p> <p>12 e-mail, "Controlled Substance Order Quantity Override</p> <p>13 Form," correct, sir?</p> <p>14 A. Correct.</p> <p>15 Q. And in that e-mail you relayed to</p> <p>16 Ms. Amish that:</p> <p>17 "The previous system would continue to</p> <p>18 send additional product to the store without limit or</p> <p>19 review, which made possible the runaway growth of</p> <p>20 dispensing of products like oxycodone."</p> <p>21 Correct, sir?</p> <p>22 A. That is what is written there.</p> <p>23 Q. And, sir, that's after you've spent almost</p> <p>24 five years at Walgreens and you are now into several</p>

<p style="text-align: right;">Page 178</p> <p>1 months in your tenure at pharmaceutical integrity 2 department, correct, sir? 3 A. Correct. 4 Q. And based on your training, based on your 5 review of historical documents, you were comfortable 6 concluding that the runaway growth of dispensing of 7 products like oxycodone was due at least in part to 8 additional product being sent to the store without 9 limit or review, correct, sir? 10 MR. HILL: Objection to form. 11 BY THE WITNESS: 12 A. No. I -- I did not and do not know enough 13 about the old system to make this statement. I -- I 14 think I was trying to implore Amish Patel to follow 15 the new system and I said this, but I don't -- based 16 on the little bit more that I know today, I think I 17 was describing our out-of-stock logic, but there are 18 other components to the logic other than just that. 19 BY MR. MOUGEY: 20 Q. You've spent a significant amount of time 21 reviewing this document and going through your -- your 22 canned answer today for this -- for your testimony in 23 front of this jury, correct, sir? 24 MR. HILL: Ob- -- objection to form. And I</p>	<p style="text-align: right;">Page 180</p> <p>1 answer. 2 THE WITNESS: I didn't answer. 3 BY MR. MOUGEY: 4 Q. At this point in time, in August of -- 5 19th of 2013, at the same time the DEA is presenting 6 the runaway growth with corresponding deaths in the 7 State of Florida, you knew enough to say that the 8 previous system at Walgreens would continue to send 9 additional product to the store without limit or 10 review, correct, sir? 11 That's what you said in -- in August 12 of 2013, correct, sir? 13 MR. HILL: Objection to the form. 14 BY THE WITNESS: 15 A. I wrote that in the letter, in the e-mail. 16 I don't think that I knew then or now all of the 17 components of what the previous system entailed, and 18 so I don't think that I can make a factual assessment 19 at that time especially about how the system worked. 20 BY MR. MOUGEY: 21 Q. But as of August of 2013, you were very 22 comfortable making the assessment that the runaway 23 growth was in response to a failure of Walgreens to 24 stop additional product being sent to the store</p>
<p style="text-align: right;">Page 179</p> <p>1 object to you trying to ask what this witness did 2 during preparation with his counsel. 3 BY MR. MOUGEY: 4 Q. Well, I didn't bring this up. 5 Did you -- sir, you brought up that you 6 reviewed this document during your preparation for 7 today, correct, sir? 8 A. Correct. 9 Q. And you prepared your answer for -- for me 10 presenting this document to you today, correct, sir? 11 MR. HILL: Ob- -- objection to form. 12 BY MR. MOUGEY: 13 Q. Correct, sir? 14 A. I thought about why I would have said this 15 at that time. 16 Q. Yes, sir. 17 You've prepared an answer for today based 18 on looking at this document in preparation, as you 19 mentioned in your answer, correct, sir? 20 MR. HILL: Objection to the form. 21 BY MR. MOUGEY: 22 Q. And you concluded, based on, at this 23 point -- 24 THE COURT REPORTER: I'm sorry. I didn't get an</p>	<p style="text-align: right;">Page 181</p> <p>1 without a limit or review, correct, sir? 2 A. I wrote it in the e-mail. 3 Q. And you were comfortable writing that in 4 the e-mail blaming the runaway growth on Walgreens' 5 inability to limit the continued shipments to its 6 dispensaries, correct, sir? 7 MR. HILL: Objection to the form. 8 BY THE WITNESS: 9 A. One, this pertains to the stores that were 10 under investigation by -- by the DEA; two, again, I 11 don't think I really knew how the system worked, and 12 through hearsay and other things and maybe this is 13 what I thought at that time. I don't think it's 14 accurate. 15 MR. SHKOLNIK: Move to strike. 16 BY MR. MOUGEY: 17 Q. I hand what I've marked as 7. 18 (WHEREUPON, a certain document was 19 marked Walgreens-Bratton Deposition 20 Exhibit No. 007, for identification, 21 as of 11/30/2018.) 22 BY MR. MOUGEY: 23 Q. Sir, you're familiar with this agreement 24 between the DEA and Walgreens, correct, sir?</p>

<p style="text-align: right;">Page 182</p> <p>1 MR. HILL: Objection to the form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I'm familiar that a -- an agreement -- oh,</p> <p>4 I'm not exactly sure. What is this that I'm looking</p> <p>5 at?</p> <p>6 MR. HILL: Which -- which page is it? I think</p> <p>7 he is on the back. Is it -- we start on the -- I</p> <p>8 think you started on the back side.</p> <p>9 MR. MOUGEY: We prefer you start on the front.</p> <p>10 MR. HILL: Flip it over. It's -- it's clipped</p> <p>11 on the wrong side.</p> <p>12 THE WITNESS: Oh.</p> <p>13 MR. HILL: And then it's the next page.</p> <p>14 Is it right here?</p> <p>15 MR. MOUGEY: Yeah.</p> <p>16 MR. HILL: I'd just object to the compilation</p> <p>17 nature of the document.</p> <p>18 MR. MOUGEY: What exactly is your objection to</p> <p>19 the compilation of the document?</p> <p>20 MR. HILL: So you -- you said Exhibit 7 and then</p> <p>21 you talked about the settlement. It appears, and I</p> <p>22 can read the whole thing, but it appears Exhibit No. 7</p> <p>23 has a bunch of other documents in it besides just the</p> <p>24 settlement, is that right?</p>	<p style="text-align: right;">Page 184</p> <p>1 of days before.</p> <p>2 MR. HILL: It wasn't the day before or a couple</p> <p>3 of days before, and that was, like, three weeks ago</p> <p>4 now. So it wasn't two to three weeks ago.</p> <p>5 MR. SHKOLNIK: And that doesn't make a</p> <p>6 difference.</p> <p>7 MR. HILL: No, it doesn't, but --</p> <p>8 MR. SHKOLNIK: You didn't produce it originally</p> <p>9 to --</p> <p>10 MR. MOUGEY: We didn't receive it -- we didn't</p> <p>11 receive this document initially.</p> <p>12 MR. SHKOLNIK: Shaking your head and making</p> <p>13 facial expressions is really unnecessary.</p> <p>14 MR. HILL: Then why do you keep doing it?</p> <p>15 MR. MOUGEY: We found it on the internet.</p> <p>16 MS. SWIFT: The signed copy you did not find on</p> <p>17 the internet.</p> <p>18 MR. MOUGEY: The -- the -- the settlement</p> <p>19 agreement that we initially used, and used for weeks,</p> <p>20 that was not signed we found on the internet. Only</p> <p>21 after asking for it have we received it in the last</p> <p>22 few weeks. It was never produced.</p> <p>23 MR. HILL: Just so --</p> <p>24 MR. MOUGEY: Similar to the resumes, similar to</p>
<p style="text-align: right;">Page 183</p> <p>1 MR. MOUGEY: It has all of the exhibits attached</p> <p>2 to it which are incorporated by reference in the</p> <p>3 document.</p> <p>4 MR. HILL: So everything in Exhibit 7 is -- is</p> <p>5 either the settlement agreement or exhibits?</p> <p>6 MR. MOUGEY: Yes.</p> <p>7 BY THE WITNESS:</p> <p>8 A. I'm familiar with the --</p> <p>9 MR. SHAPLAND: This is Eric Shapland. Does that</p> <p>10 Exhibit 7 have a Bates number or is it something that</p> <p>11 you can give us as far as a timeline?</p> <p>12 MR. MOUGEY: It -- the signed -- the version</p> <p>13 that we initially entered does not have a Bates</p> <p>14 version, although we didn't receive a signed copy, we</p> <p>15 had to find it on the internet, and after</p> <p>16 requesting -- it is true.</p> <p>17 After requesting the document, we did</p> <p>18 receive a signed version, here, I'm going to say, in</p> <p>19 the last two to three weeks, and it's Bates numbered</p> <p>20 WAGMDL 490963 is the first page.</p> <p>21 MR. HILL: Okay. So the -- the document --</p> <p>22 MR. SHKOLNIK: I will say on the record at the</p> <p>23 Mills deposition you highlighted the fact that you had</p> <p>24 just produced a signed copy a day before or a couple</p>	<p style="text-align: right;">Page 185</p> <p>1 the continuing education material, similar to the</p> <p>2 suspicious order reports, we've had to find a lot of</p> <p>3 this information on our own.</p> <p>4 BY MR. MOUGEY:</p> <p>5 Q. So, sir, back to the question --</p> <p>6 MR. HILL: Just -- just from the last of the</p> <p>7 record, the -- the first page of the document,</p> <p>8 Exhibit 7, it says P-WAG-0001 which then goes -- on</p> <p>9 the right-hand corner which goes throughout the</p> <p>10 document. On the bottom of the page is -- the first</p> <p>11 13 or so have a WAGMDL Bates label from 490963 --</p> <p>12 MR. MOUGEY: That's the signed version.</p> <p>13 MR. HILL: Yes, sir.</p> <p>14 -- through, I'm just trying to make sure</p> <p>15 it's clear, through 978. Then the rest of the</p> <p>16 document --</p> <p>17 MR. MOUGEY: So we don't get confused, we have</p> <p>18 Exhibit 7 as part of the deposition that can be</p> <p>19 referred to.</p> <p>20 MR. HILL: -- then the rest of it just says</p> <p>21 Page 1 through 343.</p> <p>22 MR. MOUGEY: Thank you.</p> <p>23 MR. SHKOLNIK: Just so it's on the record, are</p> <p>24 you -- is it the position of Walgreens that these are</p>

<p style="text-align: right;">Page 186</p> <p>1 not the exhibits attached to this -- to this 2 agreement? 3 MR. HILL: I have it -- do you want me to go 4 through it? I have -- I'll go through it. 5 MR. MOUGEY: Yeah, go ahead and take your time. 6 MR. HILL: Sure, sure. 7 MR. SHKOLNIK: Since you were supposed to 8 produce it pursuant to Court order. 9 MR. HILL: We did produce them. 10 MR. SHKOLNIK: Well, just let us know. You made 11 a big point of it at the last deposition. 12 MR. HILL: The one where you didn't -- where you 13 didn't use the signed copy even though you had it? 14 MR. SHKOLNIK: That's all right. We'll move on 15 to something else. 16 MR. MOUGEY: That you were six months late in 17 producing? I mean -- 18 MR. HILL: That's not true. 19 MR. MOUGEY: -- your client pays an 20 \$80 million -- 21 MR. HILL: That's not true. 22 MR. MOUGEY: -- settlement and you don't produce 23 it? 24 MR. HILL: That's not true. You had it.</p>	<p style="text-align: right;">Page 188</p> <p>1 settlement agreement. 2 MR. MOUGEY: You know what, Hunter -- we have 3 used this same exhibit, 1 through 343, about five 4 times. If you don't think it's the right one, you let 5 us know. We put on top of it the signed, which is 6 490,000 Bates number, it took you 490,000 documents to 7 produce the signed copy. We've got that now attached 8 to the front, okay. So if you don't think 1 to 343 is 9 the correct attachments, please tell us between now 10 and the next deposition, okay. I'm not going to take 11 the time for you now, after you've had it for a few 12 weeks, to tell us whether you think 1 through 343 is 13 the wrong version. 14 MR. HILL: Okay. We object to the -- the 15 document. 16 Go ahead. 17 MR. MOUGEY: I'm sure you do. 18 BY MR. MOUGEY: 19 Q. Sir, when did you become aware that 20 Walgreens agreed to pay \$80 million to the DEA as a 21 result of its failure to have a designed -- 22 well-designed suspicious order policy program and 23 perform due diligence on the suspicious orders? 24 MR. HILL: Objection to the form.</p>
<p style="text-align: right;">Page 187</p> <p>1 MR. MOUGEY: But no one can point us to the 2 Bates number of where it was produced? 3 MR. HILL: Right here. 4 MR. MOUGEY: Look at the Bates number on it. 5 MR. HILL: You've got it. 6 MS. SWIFT: You've got it. 7 MR. MOUGEY: Look at the Bates. It is 490,000. 8 It took you 490,000 pages -- we can go back and look 9 at when that was -- to find it? 10 MR. HILL: You didn't have the settlement 11 agreement before that? 12 MR. MOUGEY: To find it, the signed settlement 13 agreement? 14 MR. HILL: You didn't have it? 15 MR. MOUGEY: It is our job to find your 16 settlement agreements on the internet? 17 MR. HILL: We produced it. You had it. 18 MR. MOUGEY: 490,000 is the Bates stamp page. 19 MR. HILL: I can't help that you didn't use it 20 at the proper times. 21 MR. MOUGEY: You guys are incredible. 22 MR. HILL: So, just to be clear, you -- you said 23 this was a -- a compilation of the exhibits. The 24 first 13 pages appear to be a signed version of the</p>	<p style="text-align: right;">Page 189</p> <p>1 BY THE WITNESS: 2 A. I -- I -- I can't comment on the first 3 part. I don't know if that's what we agreed to. 4 However, I became aware of this shortly after, or the 5 week of, that it was officially announced. 6 BY MR. MOUGEY: 7 Q. Turn to Page 2 of the document. 8 Do you see "Stipulation and Agreement"? 9 A. Yes. 10 Q. What -- do you understand what stipulation 11 and agreement means? 12 A. I don't know. 13 Q. You don't know what the word "stipulation 14 and agreement" -- the words "stipulation and 15 agreement" mean? 16 A. I -- I'm not sure that I understand what 17 it means in the context of a legal document. 18 Q. I'm not asking you -- I'm asking you, do 19 you understand what the words -- the words 20 "stipulation and agreement" mean? 21 A. I believe so. However, I know that 22 frequently there's words that are in common use that 23 mean a different thing in a legal document. 24 So, the common version of stipulation,</p>

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<p>1 yes, I know what that means.</p> <p>2 Q. You are not a lawyer, right?</p> <p>3 A. Correct.</p> <p>4 Q. You are not here in your capacity as a</p> <p>5 lawyer, right?</p> <p>6 A. Correct.</p> <p>7 Q. And you are not an aspiring lawyer, right?</p> <p>8 A. No.</p> <p>9 Q. Okay. You are here as manager of</p> <p>10 pharmaceutical integrity today, correct?</p> <p>11 A. Correct.</p> <p>12 Q. So I'm not asking you in your capacity as</p> <p>13 a lawyer or -- or anything else.</p> <p>14 What do you understand stipulation and</p> <p>15 agreement to mean?</p> <p>16 MR. HILL: Object to the form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. I'm not sure without reading the document.</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. I -- I'm not asking -- I'm just saying the</p> <p>21 two words, "stipulation and agreement"?</p> <p>22 A. Probably things that we agreed to.</p> <p>23 Q. There you go.</p> <p>24 On Page 2, "Walgreens acknowledges," do</p>	<p>1 certain Walgreens retail pharmacies did on some</p> <p>2 occasions dispense certain controlled substances in a</p> <p>3 manner not fully consistent with its compliance</p> <p>4 under" -- "obligations under the Controlled Substance</p> <p>5 Act."</p> <p>6 Do you agree with me, sir, that Walgreens</p> <p>7 stipulates and agrees to that language?</p> <p>8 MR. HILL: Objection to form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. I see that that's what's in the document,</p> <p>11 yes.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. And based on your plain reading of the</p> <p>14 document as manager of the pharmaceutical integrity</p> <p>15 agreement [sic], Walgreens agrees to that language,</p> <p>16 correct, sir?</p> <p>17 MR. HILL: Objection to the form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. I don't know. I mean, I guess.</p> <p>20 BY MR. MOUGEY:</p> <p>21 Q. When is the first time you saw this entire</p> <p>22 agreement between the DEA and Walgreens?</p> <p>23 A. I don't recall.</p> <p>24 Q. Do you recall generally what -- what year?</p>
Page 191	Page 193
<p>1 you know what the word "acknowledge" means?</p> <p>2 A. Yes.</p> <p>3 Q. What does that mean?</p> <p>4 A. We agree.</p> <p>5 Q. "Walgreens acknowledges that suspicious</p> <p>6 order reporting for distribution to certain pharmacies</p> <p>7 did not meet the standards identified by DEA in three</p> <p>8 letters from DEA's Deputy Assistant Director, Office</p> <p>9 of Diversion Control, sent to every registered</p> <p>10 manufacturer and distributor, including Walgreens, on</p> <p>11 September 27th, 2006, February 7th, 2007, and</p> <p>12 December 27th, 2007."</p> <p>13 Do you see that?</p> <p>14 A. I see that.</p> <p>15 Q. And you understand that Walgreens, in your</p> <p>16 words, agrees that its suspicious order reporting for</p> <p>17 distribution to certain pharmacies did not meet the</p> <p>18 DEA standards?</p> <p>19 MR. HILL: Objection to the form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. Yes.</p> <p>22 BY MR. MOUGEY:</p> <p>23 Q. And the sentence after that:</p> <p>24 "Furthermore, Walgreens acknowledges that</p>	<p>1 A. I'm -- a lot of the work that I did was</p> <p>2 based off of a -- an analysis and a document produced</p> <p>3 by our legal team and our compliance team as here is</p> <p>4 the to dos from this agreement. And so I don't know</p> <p>5 that I was intimately involved with this document at</p> <p>6 any point. I may have seen it by looking it up for</p> <p>7 myself, but, again, the action items for my group were</p> <p>8 from the settlement, these other groups said here is</p> <p>9 what we need to implement and then we went and</p> <p>10 implemented those things.</p> <p>11 Q. I need you to listen to the questions that</p> <p>12 I ask, okay.</p> <p>13 A. Sure.</p> <p>14 MR. HILL: Objection to the form.</p> <p>15 BY MR. MOUGEY:</p> <p>16 Q. The question that I asked you was: When</p> <p>17 is the first time, if -- if at all, have you ever seen</p> <p>18 this agreement between the DEA and Walgreens?</p> <p>19 MR. HILL: Objection to the form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I don't recall.</p> <p>22 BY MR. MOUGEY:</p> <p>23 Q. You don't recall ever seeing this?</p> <p>24 MR. HILL: Objection to the form.</p>

<p style="text-align: right;">Page 194</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't -- I don't recall when. I do know</p> <p>3 that I've seen it. I don't know if it was provided to</p> <p>4 me or if I looked it up on the internet myself or</p> <p>5 what.</p> <p>6 BY MR. MOUGEY:</p> <p>7 Q. 2013 you are now working for the</p> <p>8 pharmaceutical integrity department at Walgreens and</p> <p>9 your primary responsibility is to develop and</p> <p>10 implement a system to monitor -- identify, monitor and</p> <p>11 report suspicious orders, correct?</p> <p>12 MR. HILL: Objection; form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. One of my responsibilities, yes.</p> <p>15 BY MR. MOUGEY:</p> <p>16 Q. And you don't recall whether as part of</p> <p>17 your charge, whether your scope of responsibility you</p> <p>18 reviewed this document as you began in pharmaceutical</p> <p>19 integrity?</p> <p>20 MR. HILL: Objection to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Again, as we were provided with a list of</p> <p>23 action items from our legal and regulatory teams, I</p> <p>24 don't remember if I reviewed the settlement itself or</p>	<p style="text-align: right;">Page 196</p> <p>1 here in Chicago, were dying from overdoses from</p> <p>2 Schedule II and III opiates dispensed from your</p> <p>3 pharmacies?</p> <p>4 MR. HILL: Objection to the form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. I would never want anyone to die of an</p> <p>7 overdose, whether it's from our pharmacies or anywhere</p> <p>8 else.</p> <p>9 BY MR. MOUGEY:</p> <p>10 Q. Right.</p> <p>11 It's -- it's important, right, you</p> <p>12 understood that this was a national epidemic and you</p> <p>13 were charged with something very important in the</p> <p>14 beginning of 2013, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And you dove into this head first to try</p> <p>17 and figure out what the solution was at Walgreens</p> <p>18 moving forward, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Am I -- it is safe to assume that you</p> <p>21 probably reviewed a tremendous amount of information</p> <p>22 in the beginning of 2013 to get your arms around what</p> <p>23 you could help and what you could contribute to fix</p> <p>24 the problem, correct?</p>
<p style="text-align: right;">Page 195</p> <p>1 just our action items that we needed to complete.</p> <p>2 BY MR. MOUGEY:</p> <p>3 Q. Do you feel like you were educated by the</p> <p>4 legal and compliance team with that list resulting</p> <p>5 from this significant payment by Walgreens to</p> <p>6 understand the terms of this agreement?</p> <p>7 A. I think as it relates to what actions our</p> <p>8 group was tasked with taking, yes.</p> <p>9 Q. Yes. And you think you understood the</p> <p>10 details and the shortcomings of Walgreens as Walgreens</p> <p>11 moved forward with pharmaceutical integrity post this</p> <p>12 agreement?</p> <p>13 MR. HILL: Objection to the form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. Based on what was provided to us in that</p> <p>16 to-do document, I -- I think so.</p> <p>17 BY MR. MOUGEY:</p> <p>18 Q. And it's -- it's vital, it is just -- to</p> <p>19 look as you move forward to see where the holes or the</p> <p>20 shortcomings were looking in the rearview mirror,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Weren't you worried that people and kids</p> <p>24 in your backyard, whether it be Ohio or whether it be</p>	<p style="text-align: right;">Page 197</p> <p>1 MR. HILL: Objection to form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I -- we did look at things. I don't</p> <p>4 recall the specifics, but, yes, we looked into it.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. And you worked hand in hand with your</p> <p>7 regulatory and compliance departments to put together</p> <p>8 a system and understand the problems moving forward,</p> <p>9 correct?</p> <p>10 A. I believe so.</p> <p>11 Q. So let's go back to the 8/19/2013 e-mail</p> <p>12 that you wrote in August 19th of 2013.</p> <p>13 A. The Exhibit 6?</p> <p>14 Q. Exhibit 6.</p> <p>15 After your training, after the settlement</p> <p>16 agreement came out, you drafted this e-mail, correct,</p> <p>17 sir?</p> <p>18 A. Correct.</p> <p>19 Q. After legal and compliance from Walgreens</p> <p>20 gave you the list of things to do, you wrote this</p> <p>21 e-mail, correct, sir?</p> <p>22 A. Correct.</p> <p>23 Q. After you had armed yourself with the</p> <p>24 information to fix the problem going forward, you</p>

<p style="text-align: right;">Page 198</p> <p>1 drafted this e-mail, correct, sir?</p> <p>2 MR. HILL: Objection to form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I drafted this e-mail to implore this</p> <p>5 person to remain in compliance with company policy and</p> <p>6 use the new system. I was never trained or educated</p> <p>7 on how the old system worked, so...</p> <p>8 MR. SHKOLNIK: Move to strike.</p> <p>9 MR. HILL: Let him finish his answer.</p> <p>10 BY MR. MOUGEY:</p> <p>11 Q. You draft -- you drafted this e-mail on</p> <p>12 August 19th, 2013, after you were given a full</p> <p>13 debriefing by regulatory and compliance, correct?</p> <p>14 MR. HILL: Objection to the form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. The debriefing or report that we received</p> <p>17 only contained forward-looking actions that we should</p> <p>18 take and did not contain a breakdown of how the</p> <p>19 ordering logic worked for --</p> <p>20 BY MR. MOUGEY:</p> <p>21 Q. That's not -- that's not the question I</p> <p>22 asked you.</p> <p>23 The question I ask you is: You drafted</p> <p>24 this e-mail after you received the information that</p>	<p style="text-align: right;">Page 200</p> <p>1 A. I was given a list of action items that we</p> <p>2 should take based off of the settlement prior to</p> <p>3 drafting this e-mail.</p> <p>4 Q. And -- and whatever Walgreens believed was</p> <p>5 important I am confident they gave you, sir, correct,</p> <p>6 in order for you to stem -- or stop the tide or slow</p> <p>7 down the tide of overdose deaths, correct, sir?</p> <p>8 MR. HILL: Objection to the form.</p> <p>9 BY THE WITNESS:</p> <p>10 A. I -- I don't know that I was given every</p> <p>11 piece of information that Walgreens has.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. I'm not asking you if you received every</p> <p>14 piece of information. What I'm asking you, sir, is</p> <p>15 you believe you received information that was</p> <p>16 important from Walgreens about performing due</p> <p>17 diligence on suspicious orders before you drafted this</p> <p>18 e-mail, correct, sir?</p> <p>19 MR. HILL: Same objection.</p> <p>20 BY THE WITNESS:</p> <p>21 A. Yes.</p> <p>22 BY MR. MOUGEY:</p> <p>23 Q. You received from Walgreens the important</p> <p>24 information necessary for your department to ensure</p>
<p style="text-align: right;">Page 199</p> <p>1 Walgreens thought was important from the settlement</p> <p>2 agreement about developing and implementing a system</p> <p>3 to identify suspicious orders, correct, sir?</p> <p>4 MR. HILL: Objection to the form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. Yes.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. And you wrote this e-mail after you were</p> <p>9 given all of the important information from Walgreens</p> <p>10 about developing a system that performed due diligence</p> <p>11 on those suspicious orders, correct, sir?</p> <p>12 MR. HILL: Same objection.</p> <p>13 BY THE WITNESS:</p> <p>14 A. I'm sorry. Can you repeat the question?</p> <p>15 BY MR. MOUGEY:</p> <p>16 Q. You drafted this e-mail after you were</p> <p>17 given all of the important information -- -mation from</p> <p>18 Walgreens about developing a system that performed due</p> <p>19 diligence on suspicious orders, correct, sir?</p> <p>20 A. What do you mean by "all important</p> <p>21 information"?</p> <p>22 Q. The information that Walgreens believed</p> <p>23 was important, you were armed with that information</p> <p>24 prior to drafting this e-mail, correct, sir?</p>	<p style="text-align: right;">Page 201</p> <p>1 that suspicious orders were not shipped prior to</p> <p>2 drafting this e-mail, correct, sir?</p> <p>3 MR. HILL: Objection to the form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I don't know. I'm -- we received</p> <p>6 information about establishing the new suspicious</p> <p>7 order monitoring system.</p> <p>8 BY MR. MOUGEY:</p> <p>9 Q. And based on all of that information that</p> <p>10 you got from legal and compliance at -- at Walgreens,</p> <p>11 you got from your managers at Walgreens, you felt like</p> <p>12 you knew enough in August of 2013 to tell another</p> <p>13 Walgreens employee that the runaway growth of</p> <p>14 dispensing products like oxycodone was due at least in</p> <p>15 part to Walgreens continuing to send additional</p> <p>16 product to the store without limit or review, correct,</p> <p>17 sir?</p> <p>18 MR. HILL: Objection to --</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. Yes or no, sir?</p> <p>21 A. I wrote that at that time. However, I</p> <p>22 didn't --</p> <p>23 Q. Yes, sir.</p> <p>24 A. -- I was never trained on the previous</p>

<p style="text-align: right;">Page 202</p> <p>1 system and I think this statement is not -- I didn't 2 have enough information to really state this 3 factually. 4 MR. SHKOLNIK: Move to strike. 5 BY MR. MOUGEY: 6 Q. Were you educated in the beginning of 7 2013 -- strike that. 8 At any point in 2013 were you told that 9 there were issues with Schedule II and Schedule III 10 opiates traveling or migrating from Florida to Ohio? 11 MR. HILL: Object to the form. 12 BY THE WITNESS: 13 A. Not that I recall. 14 BY MR. MOUGEY: 15 Q. Wouldn't that have been an important part 16 of your training at Walgreens in pharmaceutical 17 integrity to know that there were -- there was the 18 potential problem for pills migrating from Florida to 19 Ohio? 20 MR. HILL: Same objection. 21 BY THE WITNESS: 22 A. I don't know. 23 BY MR. MOUGEY: 24 Q. You don't know if that was important or</p>	<p style="text-align: right;">Page 204</p> <p>1 Q. So the answer to my question is no, you 2 never sat down and read this agreement in detail? 3 MR. HILL: Same objection. 4 BY THE WITNESS: 5 A. Correct. 6 BY MR. MOUGEY: 7 Q. And, sir, on Page 129 of this agreement 8 then, is it safe to conclude that you did not know 9 that the DEA was concerned that because of the 10 restricted access to controlled substances in their 11 states, many individuals from Ohio, Kentucky and other 12 states had tral -- traveled by the carloads to pain 13 clinics located in Florida to obtain prescriptions 14 for, for instance, oxycodone? 15 MR. HILL: Objection to form and calling it 16 "this agreement." 17 BY THE WITNESS: 18 A. I'm -- I'm sorry. Where was that in this 19 document? 20 MR. HILL: Are you referring to Page 129 of 343? 21 BY MR. MOUGEY: 22 Q. 129. 23 MR. HILL: I'll just note for the record 24 that's -- that's a statement on behalf of the</p>
<p style="text-align: right;">Page 203</p> <p>1 not? 2 A. I don't. 3 Q. Have you ever read this agreement at any 4 point in time in detail? 5 MR. HILL: Objection; asked and answered. 6 BY THE WITNESS: 7 A. Not in detail, no. 8 BY MR. MOUGEY: 9 Q. Have you ever read it generally? 10 A. I think -- I think I've glanced at it. 11 Q. You glanced at it. 12 Your company paid \$80 million, your 13 company paid a significant amount to the regulators 14 and you are now in pharmaceutical integrity and you 15 never sat down and read this agreement? 16 MR. HILL: Objection to the form. 17 BY THE WITNESS: 18 A. Again, this agreement was an input to a 19 process that we received an output from from our legal 20 and regulatory team saying, Here is the actions that 21 are -- my group should take. And so I didn't feel 22 that it was necessary to read the actual agreement 23 since we received a summary and report on what to do. 24 BY MR. MOUGEY:</p>	<p style="text-align: right;">Page 205</p> <p>1 government. 2 BY MR. MOUGEY: 3 Q. As part of this agreement -- 4 A. I'm lost. Where are -- 5 Q. Page 129. 6 MR. HILL: It is down at the bottom. It doesn't 7 say it on those. It's a different part of the 8 document. 9 MR. MOUGEY: We appreciate your counsel's John 10 Madden color calling again and continued -- 11 MR. HILL: You have multiple -- it says page 1 12 of 13 -- 13 MR. MOUGEY: Then save it for later. Object to 14 the form. 15 MR. HILL: He is asking where it is. Okay. 16 Fine. 17 MR. MOUGEY: Just sit there like a potted plant 18 and if you have anything to say, say "objection to the 19 form." 20 MR. HILL: No, don't tell him it's an agreement 21 when it's a statement from the government, how about 22 that? 23 BY MR. MOUGEY: 24 Q. As part of this agreement, sir -- are you</p>

<p style="text-align: right;">Page 206</p> <p>1 on Page 129?</p> <p>2 A. Is that what's displayed here?</p> <p>3 Q. 129, yes.</p> <p>4 A. Okay.</p> <p>5 Q. As part of this agreement were you aware</p> <p>6 that the DEA had concerns that as a result of the</p> <p>7 restricted -- restricted access to controlled</p> <p>8 substances in their states, many individuals from</p> <p>9 Ohio, Kentucky and other states have traveled by the</p> <p>10 carloads to pain clinics located in Florida to obtain</p> <p>11 prescriptions, for example, for oxycodone?</p> <p>12 MR. HILL: Objection to form.</p> <p>13 BY MR. MOUGEY:</p> <p>14 Q. Did you know that?</p> <p>15 MR. HILL: The misrepresentation.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I was not aware of that.</p> <p>18 BY MR. MOUGEY:</p> <p>19 Q. If you turn to Page 131, top -- top of the</p> <p>20 page, middle of the paragraph, the portion that begins</p> <p>21 with "favorite location."</p> <p>22 "Walgreens No. 03629 became a favorite</p> <p>23 location of traffickers of prescription drugs and some</p> <p>24 of these individuals would travel great distances to</p>	<p style="text-align: right;">Page 208</p> <p>1 aware of that.</p> <p>2 Q. You became aware of that after the</p> <p>3 agreement?</p> <p>4 A. I know that prior there was an order to</p> <p>5 show cause.</p> <p>6 Q. Do you have any understanding of how many</p> <p>7 Schedule III -- II and Schedule III distribution</p> <p>8 centers were in Walgreens US?</p> <p>9 A. I don't know the exact number.</p> <p>10 Q. Three sound about right?</p> <p>11 MR. HILL: Object to the form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I -- I don't -- I'm not sure.</p> <p>14 BY MR. MOUGEY:</p> <p>15 Q. Another one was Perrysburg, Ohio?</p> <p>16 A. I believe so.</p> <p>17 Q. You understand that Perrysburg, Ohio also</p> <p>18 agreed to stop distributing Schedule II and</p> <p>19 Schedule III narcotics in late 2013, early 2014?</p> <p>20 MR. HILL: Objection to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I know that we did. I don't -- I -- I</p> <p>23 didn't know that -- or I didn't recall that -- that</p> <p>24 Perrysburg was part of that agreement. I know that we</p>
<p style="text-align: right;">Page 207</p> <p>1 fill questionable prescriptions, primarily for</p> <p>2 oxycodone and others."</p> <p>3 Do you see that, sir?</p> <p>4 MR. HILL: Objection to form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. Yes.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. And you weren't aware that pill seekers</p> <p>9 were traveling great distances to get oxycodones</p> <p>10 filled at Walgreens pharmacies?</p> <p>11 A. I was not.</p> <p>12 Q. If you turn to Page 135, sir, the last</p> <p>13 sentence on Page 135:</p> <p>14 "Specifically, Walgreens 03629 dispensed</p> <p>15 to customers who resided in 26 states and/or</p> <p>16 commonwealths including the Appalachian regions of</p> <p>17 Kentucky, Ohio and Tennessee."</p> <p>18 Do you see that, sir?</p> <p>19 A. I do.</p> <p>20 Q. And, sir, were you aware at any point in</p> <p>21 time after this agreement that Walgreens agreed to</p> <p>22 shut down its Jup- -- Jupiter distribution center in</p> <p>23 terms of Schedule II and Schedule III distribution?</p> <p>24 A. I believe after the agreement, yes, I was</p>	<p style="text-align: right;">Page 209</p> <p>1 switched to an outside vendor.</p> <p>2 BY MR. MOUGEY:</p> <p>3 Q. 2014, two of the three distribution</p> <p>4 centers at Walgreens were no longer distributing</p> <p>5 Schedule II and Schedule III opiates, correct, sir?</p> <p>6 A. Correct.</p> <p>7 Q. All of the distributions on the eastern</p> <p>8 seaboard from Walgreens, Walgreens stopped</p> <p>9 distributing Schedule II and Schedule IIIs, correct,</p> <p>10 sir?</p> <p>11 MR. HILL: Objection to the form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. As they trans- -- as our distribution</p> <p>14 transitioned to ABC we stopped distributing.</p> <p>15 BY MR. MOUGEY:</p> <p>16 Q. And that was purely coincidence that</p> <p>17 Walgreens transitioned to ABC, it had nothing to do</p> <p>18 with the fact that it agreed to pay a significant fine</p> <p>19 with the DEA and received investigative subpoenas at</p> <p>20 the Perrysburg distribution center, correct?</p> <p>21 A. I don't --</p> <p>22 MR. HILL: Objection to form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I don't know.</p>

<p style="text-align: right;">Page 210</p> <p>1 BY MR. MOUGEY:</p> <p>2 Q. Explain to me what daily delivery means at</p> <p>3 Walgreens in early 2013.</p> <p>4 A. I'm -- have heard the name of the program,</p> <p>5 but I do not know what it involves.</p> <p>6 Q. What is your understanding of what daily</p> <p>7 delivery means?</p> <p>8 A. I know that we have a program today in</p> <p>9 which we are working with ABC to receive C-II orders</p> <p>10 daily instead of weekly --</p> <p>11 Q. Or at --</p> <p>12 A. -- amongst other controlleds and other</p> <p>13 orders.</p> <p>14 Q. About early 2013, what does daily delivery</p> <p>15 mean at -- at Walgreens?</p> <p>16 A. I don't know.</p> <p>17 Q. You have no idea?</p> <p>18 A. I don't recall. I don't -- I don't know.</p> <p>19 Q. So in early 2 -- 2013 when an order was</p> <p>20 identified as suspicious, how long was it held before</p> <p>21 it was shipped?</p> <p>22 MR. HILL: Objection to form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. By Walgreens?</p>	<p style="text-align: right;">Page 212</p> <p>1 before lunch, we went through several slides.</p> <p>2 Have you ever seen this slide deck or</p> <p>3 anything similar to it?</p> <p>4 A. There was -- not before preparation for</p> <p>5 this deposition, no, not that I recall.</p> <p>6 Q. So is -- is the West Palm Beach document</p> <p>7 that you reviewed in preparation for the -- for the</p> <p>8 deposition or another one?</p> <p>9 A. There was a different slide deck that I</p> <p>10 think was similar, but I don't -- I'm not sure if...</p> <p>11 Q. Is it Bratton 5, which is the Indianapolis</p> <p>12 version?</p> <p>13 A. It looks familiar but I'm not sure if that</p> <p>14 was the one that we...</p> <p>15 Q. But before your preparation for your</p> <p>16 testimony, you don't recall seeing either of these two</p> <p>17 versions?</p> <p>18 A. No.</p> <p>19 Q. Do you have any understanding of why</p> <p>20 Bratton 5, Drug Trend -- Trends Indianapolis, Indiana,</p> <p>21 December 2012 was in your custodial file produced by</p> <p>22 Walgreens?</p> <p>23 A. No.</p> <p>24 Q. No idea?</p>
<p style="text-align: right;">Page 211</p> <p>1 BY MR. MOUGEY:</p> <p>2 Q. Yes.</p> <p>3 A. If an order was flagged as suspicious in</p> <p>4 the new system, it was -- it would be not shipped. It</p> <p>5 would not be shipped.</p> <p>6 Q. How does that work in the context with --</p> <p>7 well, you are not sure if there was daily delivery or</p> <p>8 not?</p> <p>9 A. I don't recall.</p> <p>10 MR. MOUGEY: I'll tell you what, if you guys</p> <p>11 don't mind, this is a good spot for a five-minute</p> <p>12 break.</p> <p>13 THE VIDEOGRAPHER: Going off the record at</p> <p>14 1:18 p.m.</p> <p>15 (WHEREUPON, a recess was had</p> <p>16 from 1:18 to 1:27 p.m.)</p> <p>17 THE VIDEOGRAPHER: We are back on the record at</p> <p>18 1:27 p.m.</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. All right. Mr. Bratton, if you would pick</p> <p>21 back up Bratton 4, which is the DEA PowerPoint CEA</p> <p>22 material -- or CE material, rather, in Florida.</p> <p>23 A. Okay.</p> <p>24 Q. Now, we -- we -- we went through this</p>	<p style="text-align: right;">Page 213</p> <p>1 A. Nope.</p> <p>2 Q. But you don't recall ever seeing this</p> <p>3 document or looking through it in detail?</p> <p>4 A. I -- I do not.</p> <p>5 Q. I want to go back, just because I have it</p> <p>6 tabbed, and it is easier for me, to Bratton 4, which</p> <p>7 is the color PowerPoint version, and I want to go back</p> <p>8 to the -- the wheel that we were looking at earlier in</p> <p>9 relation to the cycle with heroin, circle of</p> <p>10 addiction. It is up on the screen, too, if it makes</p> <p>11 it any easier for you.</p> <p>12 Now, you haven't seen anything at</p> <p>13 Walgreens or any material at Walgreens indicating that</p> <p>14 there is a circle of addiction that includes a --</p> <p>15 beginning with prescription opiates and ultimately</p> <p>16 into heroin?</p> <p>17 MR. HILL: Objection to form.</p> <p>18 BY THE WITNESS:</p> <p>19 A. I didn't -- I've never seen it presented</p> <p>20 in this manner. I -- I don't know -- I'm not going to</p> <p>21 deny that opiates can contribute to addiction, but</p> <p>22 I -- I don't know that I've received anything from</p> <p>23 Walgreens. I don't recall.</p> <p>24 BY MR. MOUGEY:</p>

<p style="text-align: right;">Page 214</p> <p>1 Q. Anything from Walgreens discussing the 2 fact that Schedule II and III opiates can be a gateway 3 or initiation drug for heroin? 4 MR. HILL: Same objection. 5 BY THE WITNESS: 6 A. Not that I recall. 7 BY MR. MOUGEY: 8 Q. And in Bratton 5, sir, I'll represent to 9 you is the Indianapolis version that was in your 10 custodial file, there is the -- what I believe to be 11 the exact same slide from the DEA on the circle of 12 addiction. 13 MR. HILL: What page is that, Peter? 14 MR. MOUGEY: I don't have a page number. 15 BY THE WITNESS: 16 A. Okay. I found it. 17 BY MR. MOUGEY: 18 Q. You know what, I do know -- I do, 19 actually. This one is Bates -- it is 118. 20 A. Not -- 21 Q. Do you see that? 22 A. I do. 23 Q. But you don't ever recall looking at this 24 slide deck or the contents therein or...?</p>	<p style="text-align: right;">Page 216</p> <p>1 and Schedule III opiates can be a gateway drug for 2 heroin abuse? 3 A. I don't recall receiving any training 4 materials from Walgreens. 5 Q. And do you recall receiving any 6 information from Walgreens that Schedule II and 7 Schedule III opiates can be a gateway drug for heroin? 8 A. I'm not sure what you mean by gateway, but 9 we've discussed that there are risk factors for 10 patients to -- taking opioids in meetings and things 11 like that. 12 Q. You don't know what I mean by gateway, 13 that's confusing to you, gateway? 14 A. Yes. 15 Q. You've never heard that term before? 16 A. I've -- I've heard it, but I'm not sure on 17 how you are using it now. 18 Q. It's a -- do you have an understanding 19 from Walgreens that a significant number of people who 20 use prescription opiates ultimately -- or ended up 21 using heroin? 22 MR. HILL: Objection to the form. 23 BY THE WITNESS: 24 A. No, and I would say if everybody that used</p>
<p style="text-align: right;">Page 215</p> <p>1 A. I don't recall, no. 2 Q. Before your preparation? 3 A. No. 4 Q. Do you recall any of your training at 5 Walgreens at any point in time discussing the 6 relationship between Schedule II and Schedule III 7 opiates and a cycle into heroin? 8 A. I know that it can be a risk factor. I 9 don't recall any training, no. 10 Q. When you say it could be a risk factor, 11 what do you mean? 12 A. There is a potential for abuse of those 13 drugs, which is why they are in Schedule II, and it 14 can lead to addiction and abuse if misused. 15 Q. And those can -- those meaning Schedule II 16 and Schedule III can lead to abuse of heroin? 17 MR. HILL: Object to the form. 18 BY THE WITNESS: 19 A. Abuse in general, and I know that heroin 20 is an opioid. I don't -- I don't believe that I 21 received anything from Walgreens on it, though. 22 BY MR. MOUGEY: 23 Q. And you don't recall seeing anything from 24 Walgreens during any of your training that Schedule II</p>	<p style="text-align: right;">Page 217</p> <p>1 opioids ever ended up addicted to heroin, we'd have a 2 much, much, much larger problem -- problem than we have 3 today, so... 4 BY MR. MOUGEY: 5 Q. That's the question I asked, right? The 6 question I asked you was everyone that uses 7 Schedule II and Schedule III uses heroin. 8 Is that what I asked you? 9 MR. HILL: Objection to form. 10 BY THE WITNESS: 11 A. I'm sorry, but I thought that's what you 12 were saying. 13 BY MR. MOUGEY: 14 Q. Everyone who uses -- takes one Lortab then 15 uses heroin, is that what you think I asked you? 16 A. I -- 17 MR. HILL: Objection to form. 18 BY THE WITNESS: 19 A. I'm sorry. I -- maybe I didn't understand 20 the question. 21 BY MR. MOUGEY: 22 Q. What I asked was that a -- a number of 23 individuals that ultimately used -- here, I'll read 24 the question back so then your counsel could continue</p>

<p style="text-align: right;">Page 218</p> <p>1 to --</p> <p>2 MR. HILL: You said "a significant number."</p> <p>3 MR. MOUGEY: So your counsel that is shaking his</p> <p>4 head again over there, which seems to be --</p> <p>5 MR. HILL: Well, you misstated the question.</p> <p>6 MR. MOUGEY: Oh, good, then shake your head</p> <p>7 and -- and up and down and nod and -- and give</p> <p>8 answers.</p> <p>9 MR. HILL: That's -- that's not true.</p> <p>10 MR. MOUGEY: So --</p> <p>11 MR. HILL: That's not true.</p> <p>12 MR. MOUGEY: It is true.</p> <p>13 MR. HILL: It's not true.</p> <p>14 MR. MOUGEY: It's happened -- it has happened in</p> <p>15 every deposition.</p> <p>16 MR. HILL: You just muttered under your breath</p> <p>17 that you knew something was coming.</p> <p>18 MR. MOUGEY: That doesn't -- but he didn't know</p> <p>19 what I meant by gateway. I could give you one of my</p> <p>20 fifth graders and he'd understand what gateway means.</p> <p>21 MR. HILL: He asked for the definition. You</p> <p>22 didn't give it to him yet.</p> <p>23 MR. MOUGEY: I didn't ask for a definition.</p> <p>24 MR. HILL: He asked you for one.</p>	<p style="text-align: right;">Page 220</p> <p>1 pharmaceutical integrity is the department to take,</p> <p>2 you don't need their resumes, use LinkedIn, and here</p> <p>3 we are wasting everyone's time in this room.</p> <p>4 MR. HILL: Please stop. Just ask a question.</p> <p>5 That's not true.</p> <p>6 MR. MOUGEY: Maybe you ought to sit in on some</p> <p>7 of these calls. Maybe we wouldn't have these problems</p> <p>8 if you would sit in on some of these meet and confers.</p> <p>9 Maybe you all ought to put Kate somewhere else and you</p> <p>10 can help us.</p> <p>11 MR. HILL: Kate is doing a great job.</p> <p>12 MR. MOUGEY: Yeah, that's -- that's why we are</p> <p>13 here.</p> <p>14 MR. HILL: Please stop being abusive to her.</p> <p>15 It's not right.</p> <p>16 MR. MOUGEY: Well, I -- I don't think it's right</p> <p>17 I'm here on all day Friday taking a witness, the</p> <p>18 fourth person, that doesn't know anything about prior</p> <p>19 to 2013.</p> <p>20 MR. HILL: You knew -- you saw his LinkedIn</p> <p>21 resume. You knew what his thing was. You asked to</p> <p>22 depose him.</p> <p>23 MR. MOUGEY: It doesn't even have a description</p> <p>24 of his job and the whole time he has got his resume</p>
<p style="text-align: right;">Page 219</p> <p>1 MR. MOUGEY: I said do you know what gateway is</p> <p>2 and he didn't know.</p> <p>3 MR. HILL: He asked --</p> <p>4 MR. MOUGEY: My fifth grader knows what gateway</p> <p>5 is.</p> <p>6 MR. HILL: He asked you for it and you couldn't</p> <p>7 give it to him.</p> <p>8 MR. MOUGEY: No. I must be as -- as bad as my</p> <p>9 fifth grader then. So, if we're just as smart as you</p> <p>10 guys, we'd all be just fine. I don't know. I don't</p> <p>11 know what normal words mean.</p> <p>12 MR. HILL: Please just ask a question.</p> <p>13 MR. MOUGEY: I don't know what stipulation</p> <p>14 means. I don't know what agreement means. I don't</p> <p>15 know what gateway means.</p> <p>16 MR. HILL: You are being abusive again. Please</p> <p>17 stop.</p> <p>18 MR. MOUGEY: Abusive is wasting my time sitting</p> <p>19 in these depositions and not -- Kate has completely</p> <p>20 misrepresented who had knowledge and who didn't.</p> <p>21 MR. HILL: That's not true.</p> <p>22 MR. MOUGEY: We were told repeatedly --</p> <p>23 MR. HILL: That's not true.</p> <p>24 MR. MOUGEY: -- prescription integrity --</p>	<p style="text-align: right;">Page 221</p> <p>1 sitting on his work computer.</p> <p>2 MR. HILL: Did you think when you came in here</p> <p>3 today that he was not --</p> <p>4 MR. MOUGEY: No, actually, I now understand that</p> <p>5 no one knows anything prior to 2013.</p> <p>6 MR. HILL: No, that's not fair. That's not</p> <p>7 true.</p> <p>8 MR. MOUGEY: It is true.</p> <p>9 MR. HILL: It's not true. I'm sorry that you've</p> <p>10 asked us to produce people that don't give you the</p> <p>11 answers you'd like.</p> <p>12 MR. MOUGEY: Because that's what we wanted, we</p> <p>13 wanted just post '13. We wanted post settlement with</p> <p>14 the DEA, that's it.</p> <p>15 MR. HILL: Please just ask him the question if</p> <p>16 you have one.</p> <p>17 BY MR. MOUGEY:</p> <p>18 Q. Have you received any training at all</p> <p>19 from -- any information from Walgreens that</p> <p>20 individuals who misuse prescription opiate pain pills</p> <p>21 are more likely to abuse heroin?</p> <p>22 MR. HILL: Object to the form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I am aware of that fact. I do not know,</p>

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1 however, if I -- or recall that I received anything
2 from Walgreens.
3 BY MR. MOUGEY:
4 Q. Wouldn't that have been important for you
5 to know that individuals that misuse prescription
6 opiate pain pills are more likely to abuse heroin?
7 Wouldn't that be important for you to know in your
8 day-to-day implementation of identifying suspicious
9 orders and performing your due diligence?
10 A. I -- I would say that I -- I think I am
11 and was aware of that. I don't know that it was
12 provided to me by Walgreens, though. I don't -- I
13 don't recall.
14 Q. Let me hand you what I've marked as
15 Bratton 8.
16 (WHEREUPON, a certain document was
17 marked Walgreens-Bratton Deposition
18 Exhibit No. 008, for identification,
19 as of 11/30/2018.)
20 BY MR. MOUGEY:
21 Q. This is an e-mail from Ms. Daugherty.
22 Do you see that?
23 A. Yes.
24 Q. And she was one of the managers in

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1 pharmaceutical integrity in your department, correct,
2 sir?
3 A. Correct.
4 Q. And do you see the date of this e-mail,
5 4/23/2018?
6 A. Yes.
7 Q. And you see that you, on the second line,
8 you were one of the individuals to receive this
9 e-mail, correct, sir?
10 A. Correct.
11 Q. And you see that Ms. -- the -- the
12 attachment is titled, "Opiate Use and Stigma Slides,"
13 correct?
14 A. Correct.
15 Q. And under Subject: "Opiate task force
16 agenda 4/23."
17 Do you see that?
18 A. Yes.
19 Q. And Ms. Daugherty relays that: "Stigma
20 training doc attached for our call this morning.
21 Agenda and documents are also available on our
22 SharePoint" -- "SharePoint site."
23 Do you see that, sir?
24 A. Yes.

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1 Q. Did you review this document in
2 preparation for your testimony today?
3 A. I don't -- I don't -- I don't remember it,
4 if we did.
5 Q. Why don't you turn, sir, to Slide 6 titled
6 "Opiate Statistics."
7 A. Okay.
8 Q. The first bullet, "Prescription opiates
9 and heroin."
10 Do you see that?
11 A. I do.
12 Q. "Nearly 80 percent of Americans using
13 heroin reported misusing opiates first."
14 Do you see that?
15 A. I do.
16 Q. The second bullet: "Individuals who
17 misuse prescription opiate pain pills are 40 times
18 more likely to abuse heroin."
19 Do you see that, sir?
20 A. I do.
21 Q. Now, flip back to the first page of the
22 PowerPoint. "Silence the stigma, opiate use disorder
23 and addressing stigma."
24 Do you see that, sir?

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1 A. I do.
2 Q. And "Alex Mills, PharmD."
3 Do you know who Alex is?
4 A. I do not.
5 Q. And below that, "Walgreen Co./Purdue
6 University College of Pharmacy, Stevan Mizimakoski."
7 Do you see that?
8 A. I do.
9 Q. Do you recall looking at this -- at this
10 presentation?
11 A. I don't recall looking at it, no.
12 Q. And it's just 4/23/2018?
13 A. I don't recall.
14 Q. And you agree that Walgreens brings in
15 speakers to help educate you and your colleagues to
16 help fulfill the roles in pharmaceutical integrity,
17 correct?
18 A. We do meet and discuss with individuals
19 from time to time. I don't -- I mean, I don't know
20 this was a presentation that we received, though.
21 Q. Do you see, sir, that you received this
22 presentation at least in a PowerPoint form, correct?
23 A. Correct.
24 Q. And that Walgreens has individuals from

<p style="text-align: right;">Page 226</p> <p>1 outside to help put together presentations to educate 2 you and your colleagues about opiates in your role in 3 pharmaceutical integrity, correct? 4 A. So, this document, I believe, was being 5 produced for consumption by the field based on the 6 fact that it's part of this task force. I don't think 7 that the intended audience was our group, though, you 8 know, it was circulated, obviously, amongst us. 9 So I'm not sure how I would 10 characterize -- I -- I -- does Walgreens bring in 11 speakers to -- to educate our team, is that what you 12 are asking? 13 Q. Does Walgreens bring in some smart people 14 to help you all get educated on an issue that's 15 important for you in your job in pharmaceutical 16 integrity? 17 A. They -- they might. I'm not sure that 18 this is one of those instances, but... 19 Q. So does Walgreens create presentations for 20 you and your colleagues to help you get educated about 21 issues that are important in filling your role in 22 pharmaceutical integrity? 23 MR. HILL: Object to the form. 24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 228</p> <p>1 BY MR. MOUGEY: 2 Q. You would hope so, correct? 3 A. Yes. 4 Q. You wouldn't think that Walgreens is going 5 to bring in some willy-nilly presentation that doesn't 6 have any factual or scientific basis, correct? 7 A. I would hope not. 8 Q. Me too. 9 You would think that the information that 10 Walgreens is providing to you to help educate you on 11 issues would be scientifically sound, correct? 12 MR. HILL: Object to the form. 13 BY THE WITNESS: 14 A. I -- I -- I believe that they -- I would 15 hope that they are providing scientifically sound 16 information, yes. 17 BY MR. MOUGEY: 18 Q. And sir, you see on the very first page of 19 this slide presentation Walgreens Company/Purdue 20 University College of Pharmacy. 21 And Purdue University, no matter what your 22 football allegiance may -- may be, that's a sound, 23 academic, preche -- prestigious school in -- in the 24 US, correct?</p>
<p style="text-align: right;">Page 227</p> <p>1 A. Again, I think this -- I -- I don't know. 2 This document, I believe, was for the field, and I'm 3 sure it was circulated to our team as evidenced by the 4 fact that I'm on the e-mail, but I don't think that we 5 were the intended audience so much as -- 6 BY MR. MOUGEY: 7 Q. I didn't ask you who the intended audience 8 was, I didn't ask you who you think the distribution 9 system was. 10 Were you, Ed Bratton, given information 11 from Walgreens to help educate you on important issues 12 faced -- that you faced in pharmaceutical integrity? 13 A. Yes. 14 Q. Yeah. It's easy. 15 MR. HILL: Objection. 16 BY MR. MOUGEY: 17 Q. So, and typically that information that 18 you were provided for educational purposes was based 19 on sound researched positions in the field, correct, 20 sir? 21 A. I would hope -- 22 MR. HILL: Objection to the form. 23 BY THE WITNESS: 24 A. I -- I don't know --</p>	<p style="text-align: right;">Page 229</p> <p>1 A. Yes. 2 Q. And this gentleman from Purdue University, 3 College of Pharmacy, part of his presentation to 4 Ed Bratton at Walgreens in pharmaceutical integrity is 5 that individuals who misuse prescription opiate pain 6 pills are 40 times more likely to abuse heroin, 7 correct, sir? 8 A. Correct. 9 Q. And that nearly 80 percent of Americans 10 using heroin reported using opiates first, correct, 11 sir? 12 A. Correct. 13 Q. And that below that, this gentleman from 14 Purdue assigned dollar amounts attributable to 15 prescription opiate misuse, correct, sir? 16 A. He did. 17 Q. 55.7 billion nationally, correct, sir? 18 A. That's what it -- the slide says, yes. 19 Q. 25 billion in healthcare costs, correct, 20 sir? 21 A. Correct. 22 Q. 25.6 billion in lost workplace 23 productivity, correct, sir? 24 A. That's what's on the slide.</p>

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1 Q. 5.1 billion in criminal justice costs,
2 correct, sir?
3 A. Correct.
4 Q. So if Walgreens thought enough of this
5 gentleman from Purdue University to put together a
6 presentation to help educate Ed Bratton on issues
7 facing you as part of your role in pharmaceutical
8 integrity, correct, sir?
9 MR. HILL: Objection to the form.
10 BY THE WITNESS:
11 A. Again, I don't know his intent was to
12 educate me, but I did receive this presentation.
13 BY MR. MOUGEY:
14 Q. Other than helping educate you, why else
15 would Ms. Daugherty pass this around and -- "See doc
16 attached for our call this morning"?
17 A. So we were -- as part of this -- the
18 subject, the opioid tasks force, we were developing
19 training materials for stores and pharmacists on how
20 to address issues related to opioids. And so I
21 believe as part of this call we were reviewing this
22 material that was going to be going out to the field
23 potentially.
24 Q. And Ms. Daugherty felt this was important

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1 enough to pass around for you and your colleagues to
2 consider including this as part of the opiate task
3 force materials, correct, sir?
4 A. I -- I believe so.
5 Q. I'm going to hand you what's marked as
6 Ex -- Bratton 9.
7 (WHEREUPON, a certain document was
8 marked Walgreens-Bratton Deposition
9 Exhibit No. 009, for identification,
10 as of 11/30/2018.)
11 BY MR. MOUGEY:
12 Q. This is an e-mail to you -- to your boss,
13 correct?
14 A. Yes.
15 Q. I said "to" twice.
16 This is an e-mail from you to your boss,
17 correct?
18 A. Yeah, yes, sorry.
19 Q. No, that's my fault.
20 And it is dated 4/4/2013, correct?
21 A. Correct.
22 Q. And the subject line is: "Thought from
23 the Project Forest meetings," correct?
24 A. Yes.

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1 Q. And what does Project Forest mean?
2 A. I believe that was the project to
3 transition our distribution from Walgreens DCs to ABC.
4 Q. And that was called Project Forest?
5 A. Um-hum.
6 Q. What -- why was it called Project Forest?
7 A. I don't know.
8 Q. You have no idea?
9 A. They -- they tend to come up with weird
10 code names for every project. I don't know why they
11 chose this one.
12 Q. When you say -- when you are referring to
13 "they," who is that?
14 A. The people that -- senior leadership, like
15 Project Felix, Project whatever, you know.
16 Q. And so the transition from Walgreens
17 distribution to ABC is referred to as Project Forest?
18 A. I believe so, yeah.
19 Q. So as part of -- part of Project Forest,
20 you all were discussing transitioning from Walgreens
21 distribution centers to ABC distribution centers,
22 AmerisourceBergen?
23 A. Correct, I believe so.
24 Q. And you asked Ms. Polster a question where

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1 you said:
2 "I think so, I'm also wondering how we
3 actly our inter" -- "interception of suspicious orders
4 will work within the context of daily delivery."
5 Right?
6 A. Um-hum.
7 Q. Do you recall sending this e-mail?
8 A. I don't.
9 Q. Now, daily delivery means that there is
10 distrib- -- supply of pharmaceuticals, including
11 Schedule II and Schedule III, going out on a daily
12 basis, right, correct?
13 A. Correct.
14 Q. And if an order is identified as
15 suspicious, flagged and not shipped, you were
16 wondering how those two would work side by side,
17 right?
18 MR. HILL: Objection to form.
19 BY THE WITNESS:
20 A. I think if -- down below I was talking
21 about Passport, which was part of this project, I
22 think. What I do remember is that Passport was a
23 system for ABC to -- customers of ABC to order
24 directly and we didn't want them to -- our stores to

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1 be able to use Passport. We wanted it to always go
 2 through our regular system.
 3 BY MR. MOUGEY:
 4 Q. Why didn't you want them to be able to use
 5 Passport?
 6 A. It -- they would no longer be subject to
 7 our controlled substances order monitoring, they'd
 8 only be subject to ABC's, and so we wanted to maintain
 9 both systems and so we rem- -- we ultimately removed
 10 the ability to order controls from Passport.
 11 Q. Do you think it would be appropriate for
 12 Walgreens' pharmacists to know what their thresholds
 13 are from ABC?
 14 MR. HILL: Objection to form.
 15 BY THE WITNESS:
 16 A. I'm not sure.
 17 BY MR. MOUGEY:
 18 Q. You know what a threshold is, right?
 19 A. Yes.
 20 Q. Is a threshold different than a ceiling in
 21 ABC parlance?
 22 MR. HILL: Same objection.
 23 BY THE WITNESS:
 24 A. I'm not sure. I know that it -- in our

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1 system there's -- it's different, it's implemented in
 2 a different way than in their system. Theirs is by
 3 product family versus individual drug strength
 4 combinations like ours, so I believe that threshold
 5 and ceiling are similar, but I don't know the
 6 intricate differences.
 7 BY MR. MOUGEY:
 8 Q. And a threshold means that once its
 9 crossed or got to that threshold, that no more
 10 shipments go out without due diligence, correct?
 11 A. I believe so.
 12 Q. And that's an important part of any
 13 feature that -- that suspicious orders are identified
 14 and halted while due diligence is performed, correct?
 15 A. Correct.
 16 Q. And do you believe it would be appropriate
 17 for stores, pharmacies, to know what the thresholds
 18 are from ABC or any other vendor?
 19 MR. HILL: Objection to the form.
 20 BY THE WITNESS:
 21 A. I don't know that it's appropriate or
 22 inappropriate because, based on the fact that it is a
 23 number of drugs, that they wouldn't know what drugs
 24 are within each threshold, that it wouldn't really do

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1 them much good to know one way or the other.
 2 BY MR. MOUGEY:
 3 Q. So it would be no big deal in your mind
 4 that they would -- would know what the threshold was?
 5 A. We --
 6 MR. HILL: Same objection.
 7 BY THE WITNESS:
 8 A. -- we don't typically share that
 9 information with the store, but even if they had it, I
 10 don't know that it would be useful to them really.
 11 BY MR. MOUGEY:
 12 Q. You do not think that Walgreens shares the
 13 thresholds with its stores?
 14 A. We do not -- as a matter of regular
 15 business we do not. I know that there have been times
 16 when we share those thresholds. However, I don't
 17 think that -- knowing the threshold wouldn't be -- I
 18 don't know how they would act on knowing that.
 19 BY MR. MOUGEY:
 20 Q. If -- if the threshold was X amount of
 21 pills for oxy 30s --
 22 A. But it's -- but it's not one item. It's
 23 a -- it's a number of items that they don't know what
 24 those items are that go into that threshold.

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1 Q. Is that true for ANDA?
 2 A. I don't know about ANDA.
 3 Q. Is that true for Cardinal?
 4 A. I don't know about Cardinal.
 5 Q. So you are just talking about ABC?
 6 A. Correct.
 7 Q. What about Walgreens' thresholds?
 8 A. Ours are per, it's called a PLN, and that
 9 is a chemical and strength combined. So 5-milligram
 10 Perc- -- 5-325 Percocet versus ABC's that might be ten
 11 different strengths or multiple different items in the
 12 same threshold.
 13 Q. So if a store is nearing the threshold,
 14 whatever it is, and it's the end of the month and they
 15 can push it over a day or two later, you don't think
 16 that that's important that -- or a problem for a store
 17 to know that they were nearing their -- their
 18 threshold?
 19 MR. HILL: Object to the form.
 20 BY THE WITNESS:
 21 A. I don't know how they would use that, what
 22 they would be able to do with that information. I
 23 think that it's a rolling time period, so, as from
 24 what I understand, so...

<p style="text-align: right;">Page 238</p> <p>1 BY MR. MOUGEY:</p> <p>2 Q. Well -- go ahead. I'm sorry.</p> <p>3 A. I don't -- I don't know that -- I don't</p> <p>4 know what that would let them do.</p> <p>5 Q. Are you familiar with the concept</p> <p>6 interstoring?</p> <p>7 A. Yes.</p> <p>8 Q. If they are near a threshold -- what's</p> <p>9 interstoring?</p> <p>10 A. So, interstoring is the ability to move</p> <p>11 product from one Walgreens to the other, which</p> <p>12 generally we've blocked post settlement in normal</p> <p>13 business practice.</p> <p>14 Q. A couple of key words there, but generally</p> <p>15 you've stopped it?</p> <p>16 A. Correct.</p> <p>17 Q. Not overall, correct?</p> <p>18 A. There --</p> <p>19 MR. HILL: Object to form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. There would need to be additional steps</p> <p>22 taken by the inventory team to allow it to be</p> <p>23 interstored, so a store can't just interstore on their</p> <p>24 own.</p>	<p style="text-align: right;">Page 240</p> <p>1 to receive a Schedule II or Schedule III amongst other</p> <p>2 type of controlled substances would contact a nearby</p> <p>3 store and get any inventory or surplus that they had?</p> <p>4 MR. HILL: Object to the form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. Potentially.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. And -- and the problem with that</p> <p>9 interstoring concept is that the store could bypass or</p> <p>10 fly under the radar of any controlled substance</p> <p>11 monitoring policy, correct, sir?</p> <p>12 MR. HILL: Object to the form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Of a vendor. I'm not sure about our --</p> <p>15 our internal system knows about interstores. I don't</p> <p>16 know if that was part of the logic or not for -- for</p> <p>17 our system prior. The current system would know that</p> <p>18 there has been an interstore and hold it against their</p> <p>19 ceiling limit.</p> <p>20 BY MR. MOUGEY:</p> <p>21 Q. Is part of your job in pharmaceutical</p> <p>22 integrity to analyze profits or costs?</p> <p>23 A. Rarely, but not as a general course of</p> <p>24 business, no.</p>
<p style="text-align: right;">Page 239</p> <p>1 BY MR. MOUGEY:</p> <p>2 Q. But there are circumstances where stores</p> <p>3 have interstored without approval, correct?</p> <p>4 A. Not without approval that I'm aware of.</p> <p>5 Q. That you are aware of.</p> <p>6 You think that every time a store has</p> <p>7 interstored it has received approval beforehand?</p> <p>8 A. My under --</p> <p>9 MR. HILL: Object to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. My understanding is that the inventory</p> <p>12 team would have to change the setting to allow an</p> <p>13 interstore to occur, so I don't -- I don't know if</p> <p>14 that could occur without their approval or -- I don't</p> <p>15 think it can happen without their approval.</p> <p>16 (WHEREUPON, Mr. Peter B. Bensinger,</p> <p>17 Jr. entered the deposition</p> <p>18 proceedings.)</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. And prior to this agreement with the DEA</p> <p>21 in 2013, your understanding is that there was</p> <p>22 interstoring occurring?</p> <p>23 A. Correct.</p> <p>24 Q. And that would mean that a store in order</p>	<p style="text-align: right;">Page 241</p> <p>1 Q. Do you recall performing any analysis on</p> <p>2 the cost to Walgreens of what the Jupiter center no</p> <p>3 longer distributing Schedule II or Schedule III</p> <p>4 narcotics, what the impact would be?</p> <p>5 A. I don't recall. I don't.</p> <p>6 Q. Let me hand you what will be marked as</p> <p>7 Bratton 10.</p> <p>8 (WHEREUPON, a certain document was</p> <p>9 marked Walgreens-Bratton Deposition</p> <p>10 Exhibit No. 010, for identification,</p> <p>11 as of 11/30/2018.)</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. Do you see, sir, this is an e-mail from</p> <p>14 you to Lorinda Tisdell, Bate -- dated 7/3/2013,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. And who is Lorinda Tisdell?</p> <p>18 A. She was the pharmacy -- VP of pharmacy for</p> <p>19 southern operation at that time. It's a position that</p> <p>20 no longer exists.</p> <p>21 Q. What was the scope of her responsibility</p> <p>22 as VP of pharmacy for southern operation?</p> <p>23 A. I -- I'm not sure of all of her</p> <p>24 responsibilities. I know that she was -- pharmacy</p>

<p style="text-align: right;">Page 242</p> <p>1 execution broadly would be --</p> <p>2 Q. What does that mean?</p> <p>3 A. How -- how the stores are operating and</p> <p>4 are they -- are they performing up to the quality and</p> <p>5 standards of Walgreens.</p> <p>6 Q. From a quality perspective or from a</p> <p>7 profit or both?</p> <p>8 A. Probably both.</p> <p>9 Q. Okay. And you were putting together a</p> <p>10 report for Lorinda Tisdell, correct?</p> <p>11 A. Correct.</p> <p>12 Q. This is within a couple of weeks of the</p> <p>13 significant monetary agreement between Walgreens and</p> <p>14 the regulators, correct?</p> <p>15 MR. HILL: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I don't recall that. What was the date?</p> <p>18 I -- it was in the chart.</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. June of 2013?</p> <p>21 A. Yeah, within a few weeks or month.</p> <p>22 Q. Within a few weeks.</p> <p>23 The first page of this slide, within a few</p> <p>24 weeks of the \$80 million agreement with the</p>	<p style="text-align: right;">Page 244</p> <p>1 I don't -- I don't remember.</p> <p>2 Q. At this point, sir, the distribution</p> <p>3 center is -- in Jupiter is winding down its</p> <p>4 distribution of Schedule II and Schedule III</p> <p>5 narcotics, correct?</p> <p>6 A. I don't remember if -- I don't remember</p> <p>7 what happened to the inventory after the -- the</p> <p>8 agreement for Jupiter.</p> <p>9 Q. You do understand that the Jupiter</p> <p>10 distribution scanner -- center of the Schedule II and</p> <p>11 Schedule III opiates were kept in a, what's called a</p> <p>12 cage in the -- in the -- in the distribution center,</p> <p>13 correct?</p> <p>14 A. I've heard that, yes.</p> <p>15 Q. And -- and -- but you're not aware -- you</p> <p>16 don't -- familiar with how the Schedule II and</p> <p>17 Schedule III are segregated in -- inside the</p> <p>18 distribution center?</p> <p>19 A. Well, I've heard that they are locked in</p> <p>20 a -- in a cage, yeah.</p> <p>21 Q. Are you aware that the DEA locked up the</p> <p>22 Walgreens Jupiter distribution center during its</p> <p>23 investigation, locking and prohibiting Walgreens</p> <p>24 employees from accessing the cage with the Schedule II</p>
<p style="text-align: right;">Page 243</p> <p>1 regulators, you've got a PowerPoint put together</p> <p>2 called "Southern Operation Pharmaceutical Integrity</p> <p>3 Monthly Update," correct?</p> <p>4 A. Um-hum.</p> <p>5 Q. You see your name there at the bottom,</p> <p>6 Ed Bratton, 7/3/2013, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And if you turn, sir, to Bates No. 53,</p> <p>9 "Jupiter Distribution Cost."</p> <p>10 A. Um-hum.</p> <p>11 Q. It says: "Total invoice cost of</p> <p>12 distributed inventory was 9,013,462."</p> <p>13 \$9,013,462, correct?</p> <p>14 A. Correct.</p> <p>15 Q. And in parens, "(WAC cost)," that's</p> <p>16 Walgreens, correct?</p> <p>17 A. Correct.</p> <p>18 Q. "\$10,991,339," correct?</p> <p>19 A. Correct.</p> <p>20 Q. And explain to me what you are calculating</p> <p>21 in this PowerPoint?</p> <p>22 A. I'm trying to look at the document for</p> <p>23 some context because I don't -- I'm not sure what this</p> <p>24 was.</p>	<p style="text-align: right;">Page 245</p> <p>1 and Schedule III opiates?</p> <p>2 MR. HILL: Objection to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I -- I didn't -- I did not know that.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. You didn't know that until sitting here</p> <p>7 today?</p> <p>8 A. No. Excuse me.</p> <p>9 Q. No?</p> <p>10 A. No.</p> <p>11 Q. Until sitting here today, no one has ever</p> <p>12 told you that?</p> <p>13 A. I knew that we weren't allowed to</p> <p>14 distribute. I didn't know that it was literally</p> <p>15 locked.</p> <p>16 Q. So you're calculating in -- on this</p> <p>17 page titled "Jupiter Distribute" -- "Dis" --</p> <p>18 "Distribution Cost" the additional cost Walgreens is</p> <p>19 going to bear as a result of winding down its business</p> <p>20 and shifting to a third-party vendor, correct, sir?</p> <p>21 A. I -- I'm not sure what I was calculating.</p> <p>22 I -- I don't know.</p> <p>23 Q. Do you recall at any point in time you</p> <p>24 were asked to perform any financial analysis on the</p>

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1 cost to Walgreens of the distribution center closing?

2 A. I don't, not that I recall. I may have,

3 but I don't -- I --

4 Q. Would that -- do you think that would be

5 in the scope of your responsibility at Walgreens to

6 perform financial analysis on the impact of a

7 distribution center winding down its operations to

8 distribute Schedule II and III opiates?

9 A. Normally we would rely on our finance

10 department for that type of information. Maybe if

11 Lorinda had a special request, I may -- obviously I

12 worked on something for her. I -- I don't know if I

13 got the numbers from finance or if I computed them

14 myself. I -- I just don't recall.

15 Q. And, sir, this is at the same point in

16 time that you are receiving direction from -- what --

17 what department do you call it, the -- that you were

18 taking -- getting the details from on suspicious order

19 monitoring, is it regulatory and compliance? What was

20 the name of it?

21 A. Regulatory law and compliance. Two

22 different departments --

23 Q. Okay.

24 A. -- that both worked to compile a list

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1 of -- of items.

2 Q. All right. So do you recall receiving

3 around the time of the agreement with the DEA

4 direction from reg -- regulatory law on what was the

5 details of the suspicious order monitoring policies?

6 MR. HILL: Object to the form. The one thing

7 I'd just caution you, Mr. Bratton, not to divulge any

8 of the actual communication between the attorneys, if

9 there was any.

10 BY THE WITNESS:

11 A. And I'm sorry. Can you restate --

12 MR. MOUGEY: I -- I think Judge Polster has

13 ordered that the details about the suspicious order

14 monitoring policies received from lawyers are not

15 privileged.

16 MR. SHKOLNIK: I have a copy of the order.

17 MR. HILL: I'm happy for him to talk about the

18 details of the suspicious order monitoring program,

19 but I'm not going to allow him to talk about his --

20 what lawyers said to him and what he said to the

21 lawyers.

22 BY MR. MOUGEY:

23 Q. I'm handing you what I'm going to mark as

24 Bratton Exhibit 11.

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1 (WHEREUPON, a certain document was

2 marked Walgreens-Bratton Deposition

3 Exhibit No. 011, for identification,

4 as of 11/30/2018.)

5 BY MR. MOUGEY:

6 Q. And I just want to be clear and that we're

7 on the same page. Mr. Bratton, what's in front of you

8 that we've marked as 11 is an order from Judge Polster

9 in the Federal Court of the Northern District of Ohio.

10 Do you see that?

11 A. I do.

12 Q. And it is signed on the back page by

13 Judge Polster.

14 Do you see that?

15 A. I do.

16 Q. And --

17 MR. HILL: Counsel, I don't know if you heard me

18 when you were finding your thing. I'm not telling the

19 witness not to provide details of the SOMs. What I'm

20 saying is I would like him not to -- to divulge the

21 details of what an attorney said to him or what he

22 said to an attorney. That's all.

23 MR. MOUGEY: Well, I think the witness has been

24 told not to answer repeated times today when asked

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1 about interpretations of SOMs, and you argued that it

2 was protected and instructed him not to answer.

3 MR. HILL: Not -- not -- that's not true.

4 MR. MOUGEY: Judge Polster --

5 MR. HILL: That's not true.

6 MR. MOUGEY: You definitely instructed the

7 witness not to answer questions when he said -- when

8 he wanted it from an attorney.

9 MR. HILL: Sir, I -- what I said was I'd caution

10 the witness not to divulge what an attorney told you

11 and then I said he could answer. He is allowed to

12 tell you the details of the SOM, just like the order

13 says. He is not going to tell you what he said to the

14 lawyer or the lawyer said to him. So, he's -- I'm

15 happy for him to tell you the details.

16 MR. MOUGEY: So it's -- and I -- your

17 recollection that at no point in time today you have

18 instructed the witness not to answer questions about

19 details regarding suspicious order monitoring policies

20 received from lawyers?

21 MR. HILL: I'm not somebody that you can change

22 your question to and pretend I just answered that

23 question. I -- what the -- what's on the record is on

24 the record.

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1 MR. MOUGEY: I understand.
 2 MR. HILL: I've told the witness --
 3 No, let me finish, please. You asked me a
 4 question.
 5 I've told the witness when he can't
 6 answer, when I instruct you not to. And many other
 7 times I'd say, I caution you not to reveal the
 8 attorney/client communication but you can provide the
 9 details.
 10 Earlier we had this long back and forth
 11 and then you said, What were the details? And I said,
 12 Great, now he can answer. It's very simple. It is
 13 exactly what the judge ordered here.
 14 MR. MOUGEY: Tell me what the distinction is,
 15 because I'm sorry if I'm just a little slow. But
 16 what -- what is the distinction between that he can't
 17 answer the -- the communication with lawyers but he
 18 can answer the details?
 19 MR. HILL: If -- if he says to you, and I don't
 20 know the answer to this because we haven't discussed
 21 it, if he says, I asked the lawyer X and the lawyer
 22 came to me and said Y, I believe that's privileged.
 23 If you ask him what are the details of the SOM, like
 24 the judge said, he can provide that to you. That's

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1 all I'm saying. He can't tell you the conversation he
 2 had with the lawyer. And I don't think that's
 3 controversial.
 4 BY MR. MOUGEY:
 5 Q. So where did you learn the details about
 6 the interpretations of the suspicious order monitoring
 7 policies and procedures?
 8 A. Where did I learn the details --
 9 Q. Yes.
 10 A. -- of Walgreens suspicious order
 11 monitoring?
 12 Q. Yes.
 13 A. Of how the system works is what you are
 14 asking?
 15 Q. Yeah.
 16 A. Probably in meetings with the inventory
 17 team and John Merritello and -- and --
 18 Q. Nothing -- no -- none of the -- all of
 19 those answers earlier about asking about
 20 interpretations and receiving it from legal
 21 department --
 22 A. Of the settlement, yes.
 23 Q. Of -- of -- let's take a break. We can go
 24 back and look at the transcript.

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1 THE VIDEOGRAPHER: Going off the record at
 2 2:06 p.m.
 3 (WHEREUPON, Mr. Peter B. Bensinger,
 4 Jr. exited the deposition
 5 proceedings.)
 6 (WHEREUPON, a recess was had
 7 from 2:06 to 2:29 p.m.)
 8 THE VIDEOGRAPHER: We are back on the record at
 9 2:29 p.m.
 10 MR. SHKOLNIK: Is the -- is the phone on mute or
 11 is it -- is it going back?
 12 THE VIDEOGRAPHER: I un-muted it.
 13 MR. SHKOLNIK: Oh, you un-muted it.
 14 BY MR. MOUGEY:
 15 Q. Mr. Bratton, previously you mentioned that
 16 pharmaceutical integrity department or group worked
 17 with other teams within Walgreens to create spe- --
 18 suspicious order monitoring programs.
 19 Am I -- do I have that right?
 20 A. Yes.
 21 Q. And what other teams did -- did you work
 22 with to create and implement the suspicious order
 23 monitoring programs?
 24 A. So, the system was up and running before I

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1 started. However, my understanding is that we worked
 2 with the inventory team, John Merritello, Wayne
 3 Bancroft, to develop the new system. Our team was
 4 responsible for the procedures and the communication
 5 to the stores, from what I understand.
 6 Q. So when you say the inventory team and
 7 Mr. Merritello, explain to me what the inventory
 8 team's responsibility was?
 9 A. The computer system design and algorithms,
 10 math, that went into initially setting up the
 11 thresholds and the function of the system.
 12 Q. All right. So that was the scope of John
 13 Merritello and Wayne Bancroft's input was the
 14 algorithm design?
 15 A. Correct.
 16 Q. Any other teams other than Mr. Merritello
 17 and Mr. Bancroft regarding the creation or
 18 implementation of the suspicious order monitoring
 19 policies that you work with?
 20 MR. HILL: Object.
 21 BY THE WITNESS:
 22 A. Not -- not that I'm aware of. We did at
 23 times consult with compliance, I guess, but it was our
 24 group that was implementing the procedures for the --

<p style="text-align: right;">Page 254</p> <p>1 BY MR. MOUGEY:</p> <p>2 Q. When you say --</p> <p>3 I'm sorry. Were you finished?</p> <p>4 A. For the stores.</p> <p>5 Q. When you say you consulted with</p> <p>6 compliance, what are -- what are you referring to?</p> <p>7 A. So there was a document that's -- listed</p> <p>8 out action items from the settlement, and so they</p> <p>9 would audit us to say, are we -- are we meeting the</p> <p>10 requirements of that document.</p> <p>11 Q. All right. So the action item document,</p> <p>12 do you believe that's been produced in the course of</p> <p>13 this litigation?</p> <p>14 A. I don't know.</p> <p>15 Q. Did you give it to -- to anyone to</p> <p>16 produce?</p> <p>17 A. I don't think I have a copy of it anymore.</p> <p>18 Q. Okay.</p> <p>19 A. So no.</p> <p>20 Q. So did you get it in an e-mail?</p> <p>21 A. I probably did. I don't --</p> <p>22 Q. You don't think so, right?</p> <p>23 A. I don't know for -- I don't know for</p> <p>24 certain.</p>	<p style="text-align: right;">Page 256</p> <p>1 e-mail?</p> <p>2 MR. HILL: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I -- not that I can recall.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. All right. What kind of backgrounds do</p> <p>7 the people in compliance have?</p> <p>8 MR. HILL: Same objection.</p> <p>9 BY THE WITNESS:</p> <p>10 A. The two that I'm thinking of, one that I</p> <p>11 can remember her name is Margaret Majewski. She is a</p> <p>12 pharmacist, and then her boss, I can't remember his</p> <p>13 name, but he is a pharmacist also.</p> <p>14 BY MR. MOUGEY:</p> <p>15 Q. And what type of -- of input did</p> <p>16 compliance have in the suspicious order monitoring</p> <p>17 policies and procedures?</p> <p>18 A. They were auditing us to ensure that we</p> <p>19 had met the requirements of the agreement.</p> <p>20 Q. Okay. Anything else?</p> <p>21 A. Not that I recall.</p> <p>22 Q. Do you recall getting input from</p> <p>23 compliance that there were some flaws in the algorithm</p> <p>24 that needed to be fixed?</p>
<p style="text-align: right;">Page 255</p> <p>1 Q. So who did that -- that document came from</p> <p>2 compliance?</p> <p>3 A. Correct.</p> <p>4 Q. And when you -- who is in compliance?</p> <p>5 MR. HILL: Object to form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I can't think of their names off the top</p> <p>8 of my head. They've had some changes there. I -- I</p> <p>9 can't remember.</p> <p>10 BY MR. MOUGEY:</p> <p>11 Q. Lawyers, non-lawyers?</p> <p>12 A. Non-lawyers, I believe.</p> <p>13 Q. Non-lawyers in compliance?</p> <p>14 A. Correct.</p> <p>15 Q. All right. Are you familiar with a -- an</p> <p>16 administrative or an admin e-mail list serve?</p> <p>17 A. No.</p> <p>18 Q. Okay. I'll come back to that.</p> <p>19 An administrative group?</p> <p>20 A. No, I don't -- I don't -- I don't</p> <p>21 recall -- or I don't think I have enough information</p> <p>22 to -- I don't recall.</p> <p>23 Q. Do you have any information about what --</p> <p>24 who do you -- who is on the administrative group</p>	<p style="text-align: right;">Page 257</p> <p>1 MR. HILL: Object to the form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I -- I don't recall.</p> <p>4 BY MR. MOUGEY:</p> <p>5 Q. Do you recall getting any input from</p> <p>6 compliance that there were any portions of the</p> <p>7 policies or procedures of the suspicious order</p> <p>8 monitoring program that needed to be addressed?</p> <p>9 A. I don't recall.</p> <p>10 Q. Do you recall getting any input from</p> <p>11 compliance on the suspicious order monitoring policies</p> <p>12 and procedures at Walgreens?</p> <p>13 A. I think because -- I -- I do not, and I</p> <p>14 think because that system was already in place be --</p> <p>15 even before we finalized the agreement, they're --</p> <p>16 they were -- there was many items in this document,</p> <p>17 removing bonuses from -- in certain employees and</p> <p>18 making sure we have other things in place that they</p> <p>19 were more focused on those.</p> <p>20 Q. You realize that pharmaceutical integrity</p> <p>21 department had only been operating for a matter of</p> <p>22 months before you got there, right?</p> <p>23 A. Correct.</p> <p>24 Q. And you don't recall getting any input</p>

<p style="text-align: right;">Page 258</p> <p>1 from compliance on any issues that needed to be 2 addressed? 3 MR. HILL: Object to the form. 4 BY THE WITNESS: 5 A. Not that I recall. 6 BY MR. MOUGEY: 7 Q. Other than this checklist of things that 8 needed to be included? 9 A. That's -- yeah, I mean there -- 10 Q. Do you -- go ahead. 11 A. There was a report. I don't remember all 12 of the contents of that document, but... 13 Q. How many pages was it? 14 A. Multiple. I don't recall how many, 15 though. 16 Q. All right. I'm going to come back to that 17 report, okay. 18 Regulatory, so what do we call it, the -- 19 A. Regulatory -- regulatory law group. 20 Q. Regulatory law group. 21 What is the difference of that group as 22 compared to the compliance group? 23 MR. HILL: Objection to form. 24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 260</p> <p>1 whatever state. And then we would have to check our 2 policies to say, Yes, we do, or, you know, whatever 3 the case may be. 4 Q. Would you receive those requirements 5 directly from the regulatory law group? 6 A. We may in some instances. 7 Q. I -- I'm going to -- I -- I'm confused by 8 this admin. 9 So EdBratton@administrativegroup, that 10 doesn't ring a bell to you on an e-mail? 11 A. No. 12 Q. So Eric Stahmann is not a lawyer, right? 13 A. No. 14 Q. And Patricia Daugherty is not an e-mail -- 15 I mean not a lawyer? 16 A. Correct. 17 Q. And Natasha Polster is not a lawyer? 18 A. Correct. 19 Q. Earlier I asked you how many 20 communications you recalled having on a weekly basis 21 about -- with lawyers about policies and procedures 22 regarding suspicious order monitoring, correct? 23 A. Correct. 24 Q. And you -- and you said in the beginning a</p>
<p style="text-align: right;">Page 259</p> <p>1 A. So, compliance is an auditor, so they will 2 say, you know, based off of -- so for example, there 3 was a -- in another process legal might conduct a 4 50-state review and say in each one of these states -- 5 MR. HILL: Mr. -- Mr. Bratton, just don't 6 disclose the actual communication between lawyers and 7 you. 8 Go ahead. 9 BY THE WITNESS: 10 A. There was some requirement. They would 11 then pass that to compliance, compliance would then 12 audit, Are we meeting the requirements of each one of 13 these items. 14 BY MR. MOUGEY: 15 Q. So a policy or procedure would come out of 16 regulatory and go to the compliance that would 17 determine if it -- if it met with all of the different 18 applicable policies and procedures? 19 A. Not a policy, a requirement would come 20 out, such as, Do we report the loss of pseudoephedrine 21 in this state to the state BNDD in Texas or whatever. 22 Q. Okay. 23 A. And then compliance would come to us and 24 say, Do you do this in Texas, do you do this in</p>	<p style="text-align: right;">Page 261</p> <p>1 couple a week? 2 A. Correct. 3 Q. And I think you said that that continued 4 over the -- over a longer period of time, is that 5 right? 6 A. Correct. 7 Q. So you don't believe that compliance 8 filled -- you weren't seeking legal advice from 9 compliance, correct? 10 MR. HILL: Object to the form. 11 BY THE WITNESS: 12 A. From compliance? 13 BY MR. MOUGEY: 14 Q. Right. 15 A. No, I don't think so. 16 Q. No -- no lawyers there, no -- no privilege 17 or -- well, let me ask it a different way. 18 You weren't seeking -- you weren't going 19 to compliance asking for interpretations of codes or 20 federal regs or anything along those lines? 21 A. No. 22 MR. HILL: Objection to form. 23 BY MR. MOUGEY: 24 Q. You would -- your communication about</p>

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1 interpretations or codes or regs or requirements would
2 be from regulatory, right?
3 A. Yes.
4 Q. All right. And -- now I have -- your --
5 your -- your counsel has -- Walgreens' counsel has
6 produced a privilege log and on that privilege log
7 there are -- how many documents would you think that
8 over time from, you know, '13 until now you were on
9 that you were seeking legal advice?
10 A. Myself personally?
11 Q. Yeah.
12 MR. HILL: Objection to the form.
13 BY THE WITNESS:
14 A. I -- I don't know.
15 BY MR. MOUGEY:
16 Q. I mean, do you think it's a -- a hundred,
17 do you think it's 50, do you think it's 75, 150,
18 what -- what do you think?
19 A. What --
20 MR. HILL: Object to the form and foundation.
21 BY THE WITNESS:
22 A. What was the period of time?
23 BY MR. MOUGEY:
24 Q. From '13 until '18, from the beginning of

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1 pharmaceutical integrity until just pretty much
2 running up to the beginning -- to this year, until
3 now.
4 MR. HILL: Same objections.
5 BY THE WITNESS:
6 A. Two per week, 52 weeks, five years, a
7 couple hundred. With replies, maybe more.
8 BY MR. MOUGEY:
9 Q. So if I were to tell you there were 1400
10 entries with your name on them, and I don't know if
11 that's chains or individual or unique documents, I'm
12 not sure, would that -- you would -- would that --
13 that obviously you think is a little bit more than
14 what your recollection is how many times you were on
15 e-mails with lawyers getting legal advice?
16 MR. HILL: Objection to form.
17 BY THE WITNESS:
18 A. With replies to chains, I -- I don't know,
19 that seems reasonable.
20 BY MR. MOUGEY:
21 Q. Right.
22 So you might have to have six or seven
23 replies on that e-mail chain of two a week to get to
24 1400, right?

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1 MR. HILL: Objection to the math.
2 BY THE WITNESS:
3 A. Perhaps.
4 BY MR. MOUGEY:
5 Q. Well, there is 200 a year, approximately
6 five years, that's about a thousand, right?
7 A. Yes.
8 Q. So you'd have to have some replies and
9 there would have to be a couple of weeks over a
10 five-year period to have 13, 1400 documents?
11 Help me to understand '13, '14, '15, what
12 kind of a -- I mean, what types of questions did you
13 have regarding suspicious order monitoring policies,
14 what were -- what were your -- what were your
15 questions, what -- what did you need -- what did --
16 what did you need help with?
17 MR. HILL: Objection. To the extent you are
18 asking what kind of questions he had for his lawyers,
19 I instruct you not to answer the questions where you
20 asked your lawyers for legal advice -- Walgreens'
21 lawyers for legal advice.
22 MR. MOUGEY:
23 Q. What types of -- what types of input did
24 you need? I'm not -- I didn't use the word "lawyers."

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1 What type of input would you need -- what were -- what
2 was the holes in all of the training you had, all of
3 the information you got from Walgreens, tell me
4 where -- what would -- where did you need more
5 information --
6 MR. HILL: Objection.
7 BY MR. MOUGEY:
8 Q. -- '13, '14, '15?
9 MR. HILL: Objection to the form.
10 BY THE WITNESS:
11 A. I -- I guess what I'll say is regarding
12 CSOM, infrequently.
13 Those e-mails probably represent a variety
14 and numerous other matters that we would consult with
15 them on, ranging from issues with employees, new
16 regulations coming into effect, a variety of topics.
17 And I would say the minority is probably CSOM if --
18 if --
19 BY MR. MOUGEY:
20 Q. Well, let's go back to the list that you
21 said that you -- was created at or about the time of
22 the agreement with the DEA, okay.
23 Do you recall where that list came from?
24 Was that from compliance?

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1 A. My -- yes, it was from compliance.
2 Q. And do you recall what kind of information
3 was on that list?
4 A. There was a list of -- of requirements
5 based off of the agreement with the DEA that we needed
6 to enact. Like one of the ones that I can recall is
7 removing controlled substances from the bonus
8 calculation. And so we were responsible for going and
9 making sure that getting done and then reporting back
10 to internal audit compliance that, yes, we've
11 completed this requirement of the -- of the audit
12 which was based off of the settlement agreement.
13 Q. So it was a checklist of things that
14 needed to get done?
15 A. Essentially.
16 Q. All right. What -- what other issues do
17 you recall being on that list other -- in -- in
18 addition to the removing the -- the bonus feature for
19 pharmacies -- pharmacists based on the number of
20 prescriptions?
21 A. Sorry, other than the bonus issue?
22 Q. Yes, sir.
23 A. I know there were action items that were
24 for other groups as well, like the decommissioning of

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1 our -- of a -- our internal distribution centers. I
2 can't -- I can't remember all of the other -- other
3 items that were on there.
4 Q. Do you recall any other items that are on
5 there?
6 A. I can't.
7 Q. Was it a living, breathing document that
8 people were adding issues on as they were identified,
9 and what about this, and then somebody thinks about
10 this, and everybody was adding and checking off?
11 A. There were -- there were comments and
12 things added to it, I believe, yeah, as we implemented
13 or, you know, challenges around we needed funding to
14 change the system and et cetera, et cetera.
15 Q. Based off your time in -- in
16 pharmaceutical integrity, where are the suspicious
17 order monitoring reports kept? Where are the -- the
18 actual reports kept or stored?
19 A. For the new system, they are in a database
20 that contains all of the items and the responses from
21 our team and the field leaders and the stores.
22 Q. All right. And what database is that?
23 A. It's -- I can't recall the address of the
24 database. It's linked to the CSOKPI application. But

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1 I -- I don't -- I don't know offhand the name of the
2 database.
3 Q. Have you as a manager in pharmaceutical
4 integrity been instructed by your management to keep
5 all of your notes pertaining to due diligence in that
6 database?
7 MR. HILL: Object to the form.
8 BY THE WITNESS:
9 A. No.
10 BY MR. MOUGEY:
11 Q. So sometimes you put your notes in, and
12 sometimes you don't?
13 A. That would be accurate.
14 Q. So sometimes you make a phone call, you
15 make a decision and you don't document that?
16 A. That's possible, yes.
17 Q. Okay. Sometimes it's an e-mail and you
18 might not put it in the database?
19 A. Correct.
20 Q. So I asked you earlier in the day about
21 your geographic responsibilities and -- and -- and I
22 believe you were in charge of the southern part of the
23 US, correct?
24 A. Correct.

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1 Q. And obviously that -- or I'm assuming that
2 includes Florida?
3 A. Correct.
4 Q. And were there any specific issues that
5 you were made aware of in -- in -- or after June
6 of 2013 that needed to be addressed because of the
7 agreement with the regulators?
8 MR. HILL: Objection; form.
9 BY THE WITNESS:
10 A. Were there specific issues that needed to
11 be addressed in the settlement agreement?
12 BY MR. MOUGEY:
13 Q. No. Because of the settlement agreement.
14 On this checklist you are referring to,
15 were there some Florida-specific issues?
16 A. I think one of the -- the issues was if
17 you have had your DEA license suspended, you can no
18 longer bill Medicare or Medicaid, so we had to disable
19 those for those six locations, and there were some
20 communications that we did to patients about why
21 they'd have to go to a different store if they had
22 Medicaid or Medicare.
23 Q. If you'd go back to the big thick exhibit,
24 Bratton 7, and go to Page 6.

<p style="text-align: right;">Page 270</p> <p>1 Did anyone ever make you aware that</p> <p>2 multiple Florida Walgreens' dispensaries/pharmacies</p> <p>3 were forced to be shut down and no longer dispense</p> <p>4 Schedule II or Schedule III?</p> <p>5 MR. HILL: Object to the form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. I -- I was aware that these six stores</p> <p>8 could no longer sell controlled substances or receive</p> <p>9 controlled substances.</p> <p>10 BY MR. MOUGEY:</p> <p>11 Q. So on Page 6, in paragraph (e), it says:</p> <p>12 "Walgreens agrees to surrender" -- or "to</p> <p>13 the surrender of the DEA registration to dispense</p> <p>14 controlled substances for Schedule II through V at the</p> <p>15 following facilities until May 26, 2014."</p> <p>16 Correct?</p> <p>17 A. Correct.</p> <p>18 Q. Do you recall as part of the checklist or</p> <p>19 any training after this agreement that anyone from</p> <p>20 Walgreens walked you through what the problems or</p> <p>21 issues were in those Florida-specific pharmacies?</p> <p>22 A. I -- I don't recall, no.</p> <p>23 Q. You don't recall any information being</p> <p>24 passed along to you?</p>	<p style="text-align: right;">Page 272</p> <p>1 A. In a -- no. Well, as the -- when I was a</p> <p>2 quality supervisor and a quality analyst, we had a</p> <p>3 mail-order pharmacy. It was not a retail pharmacy at</p> <p>4 the central pharmacy operations.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. And your company agrees to no longer</p> <p>7 dispense out of multiple pharmacies Schedules II</p> <p>8 through V, correct?</p> <p>9 A. Correct.</p> <p>10 Q. The distribution center in Florida is</p> <p>11 stripped of its distributor license of Schedule II and</p> <p>12 III opiates, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And if you turn to Page 78, do you see the</p> <p>15 US Department of Justice Drug Enforcement</p> <p>16 Administration, the top of that page?</p> <p>17 A. Yes.</p> <p>18 Q. November 26th, 2012?</p> <p>19 A. Yes.</p> <p>20 Q. Order to show cause?</p> <p>21 A. Yes.</p> <p>22 Q. And "In the matter of," and it's a</p> <p>23 Walgreens store in Hudson, Florida.</p> <p>24 Do you see that?</p>
<p style="text-align: right;">Page 271</p> <p>1 A. Not -- not in a training. I mean, maybe</p> <p>2 conversations, but I don't -- I'm --</p> <p>3 Q. When you say "conversations," do you mean,</p> <p>4 like, water cooler conversations or...</p> <p>5 A. I can't recall specifics of what was</p> <p>6 discussed.</p> <p>7 Q. You don't --</p> <p>8 A. I know that this was a topic of</p> <p>9 discussion, but I don't remember what was discussed.</p> <p>10 Q. Well, when you say you don't remember</p> <p>11 specifics, it was a topic of conversation, I don't</p> <p>12 remember any training, I mean, you were based in</p> <p>13 Florida, right?</p> <p>14 A. Um-hum.</p> <p>15 Q. And then you moved to Chicago in the</p> <p>16 beginning of '13, right?</p> <p>17 A. Correct.</p> <p>18 Q. And your area, one of your areas of</p> <p>19 responsibility is Florida, right?</p> <p>20 A. Correct.</p> <p>21 Q. And you're just coming out of Florida and</p> <p>22 you worked in -- in a pharmacy in Florida, correct?</p> <p>23 MR. HILL: Object to form.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 273</p> <p>1 A. I do.</p> <p>2 Q. Do you see under Paragraph 2:</p> <p>3 "Walgreens 03629 has consistently failed</p> <p>4 to exercise its corresponding res" -- "responsibility</p> <p>5 to ensure that controlled substances it dispensed were</p> <p>6 dispensed pursuant to prescriptions issued for</p> <p>7 legitimate medical purposes by practitioners acting</p> <p>8 within the usual course of their professional</p> <p>9 practice."</p> <p>10 Do you see that?</p> <p>11 A. I do see that.</p> <p>12 Q. And you don't recall anyone taking you</p> <p>13 through the individual provisions of -- of this</p> <p>14 document that we have in front of you?</p> <p>15 A. Well, this is the accusation from the DEA,</p> <p>16 correct?</p> <p>17 Q. That's not what I asked you, sir.</p> <p>18 Do you recall anyone walking you</p> <p>19 through --</p> <p>20 A. Not through this document, no.</p> <p>21 Q. Yes, sir.</p> <p>22 And these accusations cover conduct that</p> <p>23 Walgreens agreed to pay \$80 million on, correct?</p> <p>24 MR. HILL: Object to the form.</p>

<p style="text-align: right;">Page 274</p> <p>1 BY THE WITNESS:</p> <p>2 A. I don't know what we agreed to.</p> <p>3 BY MR. MOUGEY:</p> <p>4 Q. Paragraph 3, sir, same page.</p> <p>5 "From late 2010 to November 2011,</p> <p>6 Walgreens 03629 dispensed oxycodone to customers who</p> <p>7 presented prescriptions with addresses and locations</p> <p>8 from 26 states outside the State of Florida."</p> <p>9 Do you see that, sir?</p> <p>10 A. I do.</p> <p>11 Q. "In addition, Walgreens 03629 dispensed</p> <p>12 controlled substances primarily in suspicious cocktail</p> <p>13 combinations of oxycodone," and you read the other</p> <p>14 two?</p> <p>15 A. I'm sorry. I lost where we are at.</p> <p>16 Q. Top of page -- bottom of Page 78, top of</p> <p>17 Page 79.</p> <p>18 A. "Combinations of oxycodone, Alprazolam and</p> <p>19 carisoprodol."</p> <p>20 Q. Yes, sir.</p> <p>21 And that was a well-known combination of</p> <p>22 drugs issued with -- with oxycod- -- -codone that were</p> <p>23 a red flag, correct, sir?</p> <p>24 MR. HILL: Object to the form.</p>	<p style="text-align: right;">Page 276</p> <p>1 Delray Beach, Florida, and that's 272 miles from 3 --</p> <p>2 from Store 03629, correct, sir?</p> <p>3 A. That's what it says here. I -- I don't</p> <p>4 know the exact distance.</p> <p>5 Q. Yeah, I'm not asking. I'm not trying to</p> <p>6 test your -- your Google maps capability. What I'm</p> <p>7 trying to point out is that this Walgreens pharmacy</p> <p>8 had issues with the DEA for dispensing to pill seekers</p> <p>9 that the doctors wrote prescriptions hundreds of miles</p> <p>10 away, correct, sir?</p> <p>11 MR. HILL: Object to the form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. That -- that appears to be true, yes.</p> <p>14 BY MR. MOUGEY:</p> <p>15 Q. Now, did anyone educate you when you came</p> <p>16 into pharmaceutical int- -- integrity that one of the</p> <p>17 things that we need to be looking for from now on is</p> <p>18 pain -- pill seekers that are geographically dispersed</p> <p>19 or far away from the pharmacy?</p> <p>20 MR. HILL: Object to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I know that that is one of the things that</p> <p>23 we added to our target drug checklist, so I know that</p> <p>24 that's probably something we communicated as part of</p>
<p style="text-align: right;">Page 275</p> <p>1 BY THE WITNESS:</p> <p>2 A. It can in some cases be a red flag.</p> <p>3 BY MR. MOUGEY:</p> <p>4 Q. Yes, sir.</p> <p>5 And a red flag is I need to look a little</p> <p>6 further, right?</p> <p>7 A. Correct.</p> <p>8 Q. And then under Paragraph 3(a), 3(b), 3(c),</p> <p>9 (d), (e), (f), (g), it's doctor after doctor that</p> <p>10 Walgreens was dispensing controlled substances with</p> <p>11 significant -- you know, hundreds of miles from the</p> <p>12 pharmacy, correct, sir?</p> <p>13 MR. HILL: Object to the form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. That appears to be the case, yes.</p> <p>16 BY MR. MOUGEY:</p> <p>17 Q. I mean, 3(a) is a doctor with a DEA -- I'm</p> <p>18 sorry -- that was based out of Miami and this</p> <p>19 Walgreens was 300 miles from Miami, correct?</p> <p>20 A. Hudson, Florida to Miami, about 300 miles.</p> <p>21 Q. It says right here in (a) 300 miles.</p> <p>22 Do you see that?</p> <p>23 A. I see that.</p> <p>24 Q. And then paragraph (c), Dr. Wayne is from</p>	<p style="text-align: right;">Page 277</p> <p>1 our GFD, target GFD policy going forward.</p> <p>2 BY MR. MOUGEY:</p> <p>3 Q. And you're familiar with Walgreens' data</p> <p>4 management capability, correct, to some extent?</p> <p>5 A. To some extent.</p> <p>6 Q. Yes, sir.</p> <p>7 A pretty elementary data pull for</p> <p>8 Walgreens prior to 2013 to run a regular report about</p> <p>9 where pill seekers are from versus where the doctor</p> <p>10 that wrote the prescription is located, correct?</p> <p>11 MR. HILL: Objection to the form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. That's something we could look at, yes.</p> <p>14 BY MR. MOUGEY:</p> <p>15 Q. And that's a relatively -- I mean, you and</p> <p>16 I could probably sit down and probably write some --</p> <p>17 some code in the course of an afternoon figuring out</p> <p>18 how to have doctors, pill seekers and pharmacy that</p> <p>19 aren't geographically located near each other, right?</p> <p>20 MR. HILL: Objection to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. The -- to determine that they were far</p> <p>23 apart -- far apart is possible, however, that doesn't</p> <p>24 paint the full picture of whether or not that's a</p>

<p style="text-align: right;">Page 278</p> <p>1 legitimate prescription. 2 BY MR. MOUGEY: 3 Q. It doesn't, but it helps spot red flags 4 and issues that need to be addressed, correct? 5 MR. HILL: Object to form. 6 BY THE WITNESS: 7 A. Correct. 8 BY MR. MOUGEY: 9 Q. So the information that you all took after 10 this magnificent huge settlement agreement with the 11 DEA and you incorporated into pharmaceutical 12 integrity, this is not new technology or new 13 algorithms that no one could have come up with, this 14 is just post the DEA bringing Walgreens to the point 15 where it had to comply, correct? 16 MR. HILL: Object to the form. 17 BY THE WITNESS: 18 A. I -- I think the challenge with that is 19 patients would sometimes provide fake addresses. We 20 can't always request an ID, depending on various state 21 laws. Also, the pharmacists may have -- or should 22 have already known that and so is there a reason that 23 they over wrote or allowed the prescription to be 24 filled despite the distance, you know.</p>	<p style="text-align: right;">Page 280</p> <p>1 Q. And that is not some technology that was 2 magically created in 2013, that was just a matter of 3 the compliance group putting together a team of five 4 or six people and saying, We've got to come up with a 5 system, right? 6 MR. HILL: Object to the form, foundation. 7 BY THE WITNESS: 8 A. Yeah. There -- they provided a 9 recommendation that we put on our policy. 10 BY MR. MOUGEY: 11 Q. A recommendation, Walgreens paid 12 \$80 million, shut down six dispensaries and prohibited 13 them from -- stripped them of their license for 14 dispensing Schedule II and Schedule IIIs, correct? 15 MR. HILL: Object to the form. 16 BY THE WITNESS: 17 A. Six pharmacies, yes. 18 BY MR. MOUGEY: 19 Q. Yes. And another distribution center in 20 Jupiter as a result of this agreement, correct? 21 A. As a result of the agreement. 22 Q. This wasn't a meeting, this wasn't a get 23 together, it was Walgreens being forced to put some 24 systems in place, correct, sir?</p>
<p style="text-align: right;">Page 279</p> <p>1 BY MR. MOUGEY: 2 Q. But there was no mechanism in place prior 3 to -- pharmaceutical integrity for Walgreens to spot 4 potential problems through red flags of practitioners, 5 pill seekers being remotely loc -- located compared to 6 the Walgreens pharmacy, correct? 7 A. The -- 8 MR. HILL: Object to the form. 9 BY THE WITNESS: 10 A. -- the patient's address and the 11 prescriber's information prints on the pharmacy 12 leaflet that the pharmacist would review before 13 dispensing the prescription. 14 BY MR. MOUGEY: 15 Q. That's right, but there is no centralized 16 mechanism at Walgreens before pharmaceutical integrity 17 that was designed to spot or identify clusters or 18 patients that were located or resided a far distance 19 from the pharmacy, correct? 20 A. Not that -- 21 MR. HILL: Object to the form. 22 BY THE WITNESS: 23 A. Not that I'm aware of. 24 BY MR. MOUGEY:</p>	<p style="text-align: right;">Page 281</p> <p>1 MR. HILL: Object to the form. 2 BY THE WITNESS: 3 A. We agreed to put these changes to our 4 prop -- operating practices in place after the 5 settlement or around the time of the settlement, 6 sometimes before, sometimes after. 7 BY MR. MOUGEY: 8 Q. And absolutely nothing your group did, 9 pharmaceutical integrity, was technology, software, 10 databases, computers, that weren't available four, 11 five, six years earlier, correct? 12 MR. HILL: Object to the form. 13 BY THE WITNESS: 14 A. I -- I don't -- I don't know. 15 BY MR. MOUGEY: 16 Q. You have no earthly idea? 17 A. I -- I don't know what products or 18 software was or wasn't available. 19 Q. Wayne Bancroft is a guy that's worked at 20 Walgreens for years, correct? 21 A. I believe so. 22 Q. And he is the one with help from John 23 Merritello that wrote the -- the algorithm, right? 24 A. The math component, I believe.</p>

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1 Q. Right. And these are just two guys at
2 Walgreens that wrote an algorithm, correct?
3 A. Correct.
4 Q. But this -- that algorithm could have been
5 drafted years before during congress -- as a result of
6 congressional hearings and the dispensing of
7 prescriptions of oxycodone and the increasing deaths,
8 all -- none of this -- all of this could have been
9 done before -- several years before, correct?
10 MR. HILL: Objection to the form of the
11 question.
12 BY THE WITNESS:
13 A. I -- I'm not aware of what challenges
14 could have or could -- did or did -- or could have
15 prevented them from intem -- implementing this sooner.
16 BY MR. MOUGEY:
17 Q. But while oxycodone-related deaths are
18 increasing year to year to year, Walgreens saw fit to
19 pay its pharmacists a bonus based on the number of
20 prescriptions it filled, correct?
21 MR. HILL: Same objection, form.
22 BY THE WITNESS:
23 A. That's my understanding, yeah.
24 BY MR. MOUGEY:

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1 Q. I mean, can't you see that as a problem,
2 that the per -- that the pharmacists are paid more
3 based on the number of prescriptions they fill,
4 including highly addictive Schedule II and
5 Schedule III narcotics?
6 MR. HILL: Same objection.
7 BY THE WITNESS:
8 A. I don't know.
9 BY MR. MOUGEY:
10 Q. You don't see that as a problem?
11 A. I think that there are -- controlled
12 substances and opioids specifically are a small
13 percentage of the total volume of a store. And so to
14 pay a bonus on all of the scripts, I -- I don't know
15 that that's intrinsically wrong. I -- I understand
16 that we removed it from the bonus calculation and --
17 and -- after the agreement, though.
18 Q. But you don't see anything wrong sitting
19 here today while kids are dying, college-age kids are
20 dying, young adults are dying from oxycodone
21 overdoses, that your pharmacists in Walgreens were
22 paid a bonus based on the number of prescriptions they
23 wrote.
24 You don't see that as a problem?

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1 MR. HILL: Ob- -- objection to form, foundation.
2 BY THE WITNESS:
3 A. I don't know.
4 BY MR. MOUGEY:
5 Q. You do know that oxycodone deaths were
6 increasing year to year to year in the 2000s, correct,
7 sir?
8 A. Correct.
9 Q. You do know that oxycodone overdoses were
10 increasing year to year in the 2000s, correct?
11 A. Correct.
12 Q. You do know that the largest problem areas
13 as far as age groups are is about 18 to 40 or 45,
14 correct?
15 A. I didn't know that.
16 (Reporter clarification).
17 BY MR. MOUGEY:
18 Q. You do know that young adults were the
19 biggest problem areas with Schedule II and
20 Schedule III narcotics --
21 MR. HILL: I'll object to the form.
22 BY MR. MOUGEY:
23 Q. -- or opiates use disorder, correct?
24 A. I -- I didn't -- I don't know that. I've

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1 actually heard that it is middle-aged adults, but...
2 Q. Either way, you don't see any issue with
3 pharmacists being bonused based on the number of
4 prescriptions that they write?
5 A. I think that pharmacists are healthcare
6 professionals that I don't think generally would
7 undermine their professional ethics for a few hundred
8 dollars or a few thousand dollars.
9 Q. So Walgreens continued, while the deaths
10 mounted, while the overdoses mounted, Walgreens
11 continued to bonus its pharmacies because it really
12 wasn't a lot of money based on the total prescriptions
13 it filled, correct, sir?
14 A. I don't --
15 MR. HILL: Object to the form.
16 BY THE WITNESS:
17 A. I don't know if that's the reason why,
18 but, again, I don't think a pharmacist would
19 intentionally harm someone.
20 BY MR. MOUGEY:
21 Q. And sitting here today as a representative
22 of Walgreens, and you have now spent five years of
23 your career in pharmaceutical integrity, you see zero
24 issue with bonusing pharmacists for Schedule II,

<p style="text-align: right;">Page 286</p> <p>1 Schedule III opiates, highly addictive, based on the 2 number of scripts that they write? 3 MR. HILL: Same objections. 4 BY THE WITNESS: 5 A. I -- I -- I -- the bonus was off of all 6 prescriptions that they dispense. They -- pharmacists 7 don't generally write prescriptions. And, again, I 8 think pharmacists are healthcare professionals that 9 don't seek to harm their patients, and so I -- I don't 10 know that that -- the bonus on a total script count 11 for their store is right or wrong. 12 BY MR. MOUGEY: 13 Q. So the answer to my question is you don't 14 see any problem because they are healthcare 15 professionals that Walgreens' pharmacists are bonused 16 based in part on Schedule II and Schedule III highly 17 addictive opiates and the number of scripts that they 18 write? 19 A. I -- I don't -- 20 MR. HILL: Object to form. 21 BY THE WITNESS: 22 A. I don't have any opinion on it. I think 23 that, again, I think that they are trying to do the 24 right thing out there, pharmacists in general.</p>	<p style="text-align: right;">Page 288</p> <p>1 the pharmacies is dated November 6th, 2012, correct, 2 sir? 3 MR. HILL: Where are we, Peter? 4 BY THE WITNESS: 5 A. Page 78? 6 BY MR. MOUGEY: 7 Q. Page 78, November 26th, 2012? 8 A. Correct. 9 Q. And you see on Page 85 that 10 Walgreens 04727 received an order to show cause on 11 November 6, 2012, correct, sir? 12 A. 80, November 26th? 13 Q. 85. 14 MR. HILL: November 26th. 15 BY THE WITNESS: 16 A. Yes. 17 BY MR. MOUGEY: 18 Q. Yes, sir. 19 November 26th, 2012, Walgreens received an 20 order to show cause regarding its Pharmacy Store 04727 21 from the Department of Justice, correct, sir? 22 A. Yes. 23 Q. And on Page 91, same date, November 26th, 24 2012, the Department of Justice sent Walgreens</p>
<p style="text-align: right;">Page 287</p> <p>1 BY MR. MOUGEY: 2 Q. Business as usual at Walgreens, correct, 3 sir? 4 A. No. 5 Q. So relatively straightforward, simple 6 changes in Walgreens' system, for example, don't bonus 7 pharmacists on Schedule II and III narcotics, that was 8 changed in 2013, correct? 9 A. Correct. 10 Q. Orders that exceeded certain thresholds 11 were no longer filled post settlement with the 12 regulators, correct, sir? 13 MR. HILL: Objection to form. 14 BY THE WITNESS: 15 A. I -- that system agreed -- existed before 16 the agreement. Also, there was -- I don't know what 17 was happening in the -- the previous system. So I 18 don't -- I don't know. 19 BY MR. MOUGEY: 20 Q. October of 2012 is the system you are 21 referring to, correct, sir? 22 A. Correct. 23 Q. And you and I just went through on C-I the 24 Department of Justice order to show cause on one of</p>	<p style="text-align: right;">Page 289</p> <p>1 Store 06997 an order to show cause, correct, sir? 2 A. 91, yes. 3 Q. And Bate -- Page 98 on February 4th, 2013, 4 Walgreens Store 03836 also received an order to show 5 cause from the Department of Justice, correct, sir? 6 A. Correct. 7 Q. And Page 109, Walgreens d/b/a 04391 8 received an order to show cause from the Department of 9 Justice on February 11th, 2013, correct, sir? 10 A. Correct. 11 Q. And on Page 115, Walgreens Store 03099 12 received an order to show cause from the Department of 13 Justice on February 19th, 2003, correct, sir? 14 A. Correct. 15 MR. HILL: 2013. 16 BY MR. MOUGEY: 17 Q. 2013, correct. 18 Sir, Page 115, on February 9th, 2013, 19 Walgreens Store 03099 received an order to show cause 20 from the US Department of Justice, correct, sir? 21 A. Correct. 22 Q. So when you said, sir, that -- that before 23 pharmaceutical integrity department, Walgreens was 24 halting suspicious orders, that policy was implemented</p>

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1 within months of all of those orders to show cause
2 that we just looked through, correct?
3 A. The --
4 MR. HILL: Object to the form.
5 BY THE WITNESS:
6 A. The new policy was implemented around the
7 time of these orders to show cause, correct.
8 BY MR. MOUGEY:
9 Q. And you have zero personal knowledge
10 sitting here today of any policy at Walgreens where
11 suspicious orders were halted before they were shipped
12 prior to October of 2012, correct, sir?
13 MR. HILL: Object to the form.
14 BY THE WITNESS:
15 A. I -- I don't have knowledge of the
16 previous system. I don't know if there was or wasn't
17 a policy.
18 BY MR. MOUGEY:
19 Q. So the answer to my question is yes, you
20 have zero knowledge of any policy at Walgreens not
21 shipping suspicious orders that were identified prior
22 to October of 2012, correct, sir?
23 MR. HILL: Same objection.
24 BY THE WITNESS:

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1 A. I -- I believe something existed. I don't
2 know the details of it.
3 BY MR. MOUGEY:
4 Q. Zero personal knowledge other than I
5 believe something existed, correct?
6 A. Correct.
7 Q. And, sir, do you believe it's just a
8 coincidence that Walgreens formed the pharmaceutical
9 integrity department on top of these open
10 investigations into these pharmacies and Walgreens
11 distribution center?
12 MR. HILL: Objection to form.
13 BY THE WITNESS:
14 A. I think one of the provisions is that we
15 maintain the group, of the agreement. I don't know
16 why the group was formed initially.
17 BY MR. MOUGEY:
18 Q. Initially. What month did you start, sir,
19 February of 2013?
20 A. Correct.
21 Q. Do you have any idea when Ms. Polster
22 started?
23 A. No.
24 Q. Do you have any idea when Ms. Daugherty

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1 started?
2 A. I don't.
3 Q. Do you have any idea when Mr. Stahmann
4 started?
5 A. Sometime in 2012, I believe.
6 Q. Late 2012, correct?
7 A. Correct.
8 Q. The people brought in for pharmaceutical
9 integrity all started within 60, 90 days of you,
10 correct, sir?
11 A. Around then, yeah.
12 Q. You were all brand new into this
13 department, correct, sir?
14 A. Cor -- correct.
15 Q. Yes, sir. And that is all right on top of
16 the orders to show cause and the suspension orders for
17 the pharmacies and the distribution centers in
18 Florida, correct, sir?
19 MR. HILL: Object to the form.
20 BY THE WITNESS:
21 A. The -- they are close in time, yes.
22 BY MR. MOUGEY:
23 Q. Yes, sir.
24 And do you believe that the creation of

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1 pharmaceutical integrity to write new algorithms and
2 new systems is simply a coincidence to the timing of
3 the DEA's orders to show cause and issues and ISOs --
4 oh, shit.
5 MS. SWIFT: Did you get that?
6 MR. MOUGEY: I didn't say that. I'm getting
7 tired.
8 BY MR. MOUGEY:
9 Q. Do you believe, sir, that the integration
10 of pharmaceutical integrity and adding people into
11 that group was purely a coincidence on top of the
12 orders to show cause and the immediate suspension
13 orders issued by the DEA?
14 MR. SHKOLNIK: Object to the form.
15 BY THE WITNESS:
16 A. I don't have personal knowledge of why the
17 group was formed, if you are asking me to speculate.
18 BY MR. MOUGEY:
19 Q. Why don't you go ahead and tell me what
20 you think?
21 A. I think that due to the opioid issues in
22 Florida and elsewhere, Walgreens thought it was useful
23 to combine all of these functions into one group that
24 could better action this issue.

<p>Page 294</p> <p>1 Q. Do you believe that pharmaceutical 2 integrity department beginning in '13 until Walgreens 3 ceased distributing Schedule II and Schedule III has 4 made a difference? 5 MR. HILL: Object to the form. 6 BY THE WITNESS: 7 A. I -- I hope so. 8 BY MR. MOUGEY: 9 Q. Do you think that the amount of diversion 10 at Walgreens has decreased since the creation of 11 pharmaceutical integrity group? 12 A. I know that as it relates to -- we have 13 various initiatives that we have through preventing 14 theft, identifying employee pilferage, good faith 15 dispensing, I think have reduced various areas of 16 diversion. 17 Q. Do you think that a -- in your work in 18 pharmaceutical integrity, do you think that a -- a 19 pain management clinic is a red flag that needs to be 20 assessed based on the number of prescriptions coming 21 from that office? 22 MR. HILL: Object to the form. 23 BY THE WITNESS: 24 A. I think that -- only that it is a pain</p> <p>Page 295</p> <p>1 management clinic, no. However, there are definitely 2 pain management clinics that we do sometimes look at 3 or have had issues with. 4 BY MR. MOUGEY: 5 Q. Is there a higher probability that a pain 6 management clinic would be a red flag than any other 7 doctor's office in your opinion? 8 MR. HILL: Object to the form. 9 BY THE WITNESS: 10 A. It may be higher. I -- I don't know how 11 much more than any other prescriber, though. 12 BY MR. MOUGEY: 13 Q. The -- the overwhelming majority of the 14 diversion in Florida occurred from pain management 15 clinics, correct, sir? 16 MR. HILL: Object to form. 17 BY THE WITNESS: 18 A. I don't know. 19 BY MR. MOUGEY: 20 Q. You have no idea? 21 A. I don't know. 22 Q. No one discussed the timeline or the 23 issues with pain clinics in Florida with you when you 24 started pharmaceutical integrity department?</p>	<p>Page 296</p> <p>1 A. I -- I don't recall. 2 Q. Let me hand you what we'll mark as 3 Bratton 12. 4 Do you recall the e-mail exchange with 5 Ms. Polster, your boss, in the beginning of 2013 and 6 other members of your group wherein Denny Murray, who 7 you mentioned earlier, relayed that he believed that 8 pain -- a pain management clinic is a red flag by 9 itself? 10 A. I don't recall that e-mail. 11 Q. And that -- do you respect Mr. Murray's 12 opinion? 13 A. Generally, yes. 14 Q. Do you think he has knowledge about the 15 issues facing suspicious order monitoring policies and 16 the challenges? 17 A. I think that he -- he is a source of 18 information. He has been at the corporate office a 19 long time. You know, he is not out there filling 20 prescriptions out in the field, but generally I'd say 21 he is knowledgeable about pharmacy matters. 22 Q. Was there anything in place at Walgreens 23 when you started that -- when you began in 24 pharmaceutical integrity that required that the CSOM</p> <p>Page 297</p> <p>1 policies highlight or flag pain management clinics? 2 A. So the controlled substance order 3 monitoring program determines what products are 4 shipped to a store. That's not associated with any 5 doctor. And we don't -- we don't sell drugs to -- to 6 doctors' offices. 7 Q. I'm going to hand you what I'm -- what's 8 Bratton 12. 9 (WHEREUPON, a certain document was 10 marked Walgreens-Bratton Deposition 11 Exhibit No. 012, for identification, 12 as of 11/30/2018.) 13 BY MR. MOUGEY: 14 Q. If you start in the middle of this page, 15 Denman Murray sends an e-mail to Tasha Polster and 16 Christopher Dymon, right? 17 A. Yes. 18 Q. And Tasha Polster and Christopher Dymon 19 are both in your group, pharmaceutical integrity, 20 right? 21 A. At -- at that time. 22 Q. At that time, correct? 23 A. Yes. 24 Q. And -- and Denny Murray as you -- you</p>
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1 testified earlier is one of the gentleman that helped
2 write the algorithm for -- oh, no, I'm getting that
3 confused -- Denny Murray was one of the individuals
4 that was responsible for or understood the due
5 diligence policies for suspicious orders, correct?
6 A. Correct.
7 Q. And you would think that Mr. Murray, who
8 was one of the two individuals from the 9,000 stores
9 you could come up with that was knowledgeable about
10 due diligence on suspicious orders, would know kind of
11 what rocks to uncover, correct, sir?
12 MR. HILL: Ob- -- objection to the form.
13 BY THE WITNESS:
14 A. Yes.
15 BY MR. MOUGEY:
16 Q. And one of the rocks that -- that
17 Mr. Murray thinks that -- that should be uncovered in
18 Walgreens' pharmacies is pain management clinics,
19 correct?
20 A. In this e-mail, yes, correct.
21 Q. He says: "Pain management clinic is a red
22 flag by itself," correct, sir?
23 A. He does.
24 Q. And when the word "red flag" is used, that

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1 would -- that would mean that there would be some
2 additional due diligence that's required, correct,
3 sir?
4 MR. HILL: Object to the form.
5 BY THE WITNESS:
6 A. I -- when I hear the word "red flag," I
7 think about a pharmacist at a pharmacy filling a
8 prescription talking to the patient, yes.
9 BY MR. MOUGEY:
10 Q. Yes, sir. And when you talk -- went over
11 earlier that you are talking about the GFD, the good
12 faith dispensing policy, correct?
13 A. Correct.
14 Q. Which morphed into the targeted good faith
15 dispensing policy, correct?
16 A. Well, they're -- they're -- they exist
17 together at the same time.
18 Q. Yes, sir.
19 You testified almost right out of the
20 gates today that you believed that the suspicious
21 order monitoring policies was different than the GFDs
22 or good faith dispensing policies, correct?
23 A. Correct.
24 Q. And, sir, you would agree that a pain

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1 management clinic is a red flag for the suspicious
2 order monitoring policies at Walgreens, correct?
3 A. I -- I -- I don't understand from this
4 e-mail or your statements because, again, we don't
5 ship drugs to doctors' offices or pain management
6 clinics. An order of product is not associated before
7 it -- it is shipped or when it's ordered already with
8 a pain management clinic. I don't -- I don't get how
9 the link between the pain management clinic
10 prescription and an order are -- are occurring.
11 Q. So you believe that there is no
12 responsibility from Walgreens to perform any due
13 diligence on prescription writers whose patients are
14 coming to Walgreens?
15 MR. HILL: Objection to form.
16 BY THE WITNESS:
17 A. I think we need to perform due diligence
18 on all controlled prescriptions.
19 BY MR. MOUGEY:
20 Q. Yes, sir, that's not what I asked. Not at
21 the prescription level, not at the pharmacist level.
22 Okay?
23 Suspicious orders in the pharmaceutical
24 integrity department, your department --

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1 A. Yes.
2 Q. And --
3 A. What -- what -- I'm sorry, what was the
4 question?
5 Q. That was a statement.
6 Okay. Suspicious orders in the
7 pharmaceutical integrity department, okay, not at the
8 pharmacists, not at the dispensary -- dispensing
9 level, okay?
10 So you have the ability in pharmaceutical
11 integrity to search your database by prescriber,
12 correct, sir?
13 A. Correct.
14 Q. You can see which prescribers are writing
15 what percentage of their prescriptions for Schedule II
16 and Schedule III, correct?
17 A. Correct.
18 Q. Again, that is not a complicated query,
19 correct, sir?
20 A. No.
21 Q. And one of the red flags, sir, would be to
22 identify practitioners that are writing
23 disproportionately high percentage of prescriptions
24 for Schedule II and Schedule III opiates, correct?

<p style="text-align: right;">Page 302</p> <p>1 MR. HILL: Object to the form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I'm sorry. Can you repeat the question?</p> <p>4 BY MR. MOUGEY:</p> <p>5 Q. One of the potential red flags would be</p> <p>6 for Walgreens to organize its data to highlight</p> <p>7 practitioners who are writing disproportionate, high</p> <p>8 percentage of prescriptions for Schedule II and</p> <p>9 Schedule III opiates, correct, sir?</p> <p>10 MR. HILL: Same objection.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I -- I don't -- from the data that we</p> <p>13 have, there are doctors -- one, it is not always</p> <p>14 readily available to identify their specialty; two,</p> <p>15 for millions of doctors across the entire company, if</p> <p>16 you want to -- if you looked one up and Googled him,</p> <p>17 yeah, but if you are trying to do a metaanalysis of</p> <p>18 millions of prescribers, you have to go by what they</p> <p>19 self report in NPDES. And many pain management</p> <p>20 clinics say they are anesthesiologists or general</p> <p>21 practitioners or whatever else, so that obscures the</p> <p>22 data that you are asking for.</p> <p>23 Additionally, there's a number of doctors</p> <p>24 like thoracic surgeons, oncologists and Hospice</p>	<p style="text-align: right;">Page 304</p> <p>1 high percentages that are perfectly fine that if you</p> <p>2 are presented -- a pharmacist was presented with that</p> <p>3 script they may not have any objections because they</p> <p>4 know the doctor because they have that local</p> <p>5 information about that prescriber.</p> <p>6 BY MR. MOUGEY:</p> <p>7 Q. Isn't that your job as part of</p> <p>8 pharmaceutical integrity to spot red flags that need</p> <p>9 to be followed up on, correct?</p> <p>10 MR. HILL: Object to the form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. Red flags when filling prescriptions?</p> <p>13 BY MR. MOUGEY:</p> <p>14 Q. Red flags. Do you -- do you -- what do</p> <p>15 you think a red flag is?</p> <p>16 A. Your -- your statement is very broad. I'm</p> <p>17 just trying to narrow.</p> <p>18 Q. What do you think a red flag is?</p> <p>19 A. When you say "red flag," I think of when a</p> <p>20 pharmacist is filling a prescription, there is a list</p> <p>21 of things that they go through in order to determine</p> <p>22 if it is appropriate and that there are certain things</p> <p>23 they should watch out for.</p> <p>24 Q. We cleared up ten minutes ago I wasn't</p>
<p style="text-align: right;">Page 303</p> <p>1 doctors that write almost exclusively controlled pain</p> <p>2 medicines for legitimate purposes.</p> <p>3 So I -- just the quantity or percentage I</p> <p>4 don't think is enough to make a determination about</p> <p>5 whether a doctor is good or bad.</p> <p>6 BY MR. MOUGEY:</p> <p>7 Q. I didn't ask you that. That's not what I</p> <p>8 asked you. I didn't ask you if a doctor was good or</p> <p>9 bad.</p> <p>10 I said one of the means to identify</p> <p>11 potential red flags was to identify prescribers who</p> <p>12 are writing a disproportionate high percentage of</p> <p>13 prescriptions for Schedule II and Schedule III</p> <p>14 opiates, correct?</p> <p>15 MR. HILL: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. My answer is that percentage alone is</p> <p>18 insufficient to identify a red flag by itself.</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. An -- an area that requires more</p> <p>21 investigation, correct, sir?</p> <p>22 MR. HILL: Same objection.</p> <p>23 BY THE WITNESS:</p> <p>24 A. Again, I think there is some that write</p>	<p style="text-align: right;">Page 305</p> <p>1 talking about at dispensing level, okay? No GFD</p> <p>2 policy right now, all right? No good faith</p> <p>3 dispensing. I'm talking about pharmaceutical</p> <p>4 integrity suspicious order monitoring policies, okay?</p> <p>5 A. Okay.</p> <p>6 Q. You can pull with a query the highest</p> <p>7 prescribing doctors as a percentage for Schedule II</p> <p>8 and Schedule III, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And you do not believe that that is a --</p> <p>11 warrants any further inquiry if a doctor has a</p> <p>12 disproportionately high percentage of Schedule II and</p> <p>13 Schedule III pres- -- prescriptions?</p> <p>14 A. I'm not --</p> <p>15 MR. HILL: Object to the form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I -- I'm not sure how that relates to</p> <p>18 controlled substance order monitoring I guess is what</p> <p>19 I'm unclear about.</p> <p>20 BY MR. MOUGEY:</p> <p>21 Q. Perfect answer. So your answer is no, I</p> <p>22 don't think it requires any further inquiry if a</p> <p>23 doctor has a disproportionate high percentage of his</p> <p>24 prescriptions in -- or her prescriptions in</p>

<p style="text-align: right;">Page 306</p> <p>1 Schedule II or III opiates, correct, sir?</p> <p>2 MR. HILL: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. No.</p> <p>5 BY MR. MOUGEY:</p> <p>6 Q. Does it warrant further inquiry or doesn't</p> <p>7 it, if a prescribing physician has a</p> <p>8 disproportionately high percentage of their overall</p> <p>9 prescription writing in Schedule II and Schedule III</p> <p>10 opiates, yes or no?</p> <p>11 MR. HILL: Same objection.</p> <p>12 BY THE WITNESS:</p> <p>13 A. By whom and when?</p> <p>14 BY MR. MOUGEY:</p> <p>15 Q. For pharmaceutical integrity, isn't that</p> <p>16 what you are sitting here today as? I'm not asking</p> <p>17 you here as your -- as your kid's football coach.</p> <p>18 In pharmaceutical integrity after 2013 do</p> <p>19 you believe, sir, that a disproportionate high</p> <p>20 percentage of prescriptions from a prescriber for</p> <p>21 Schedule II and Schedule III warrant further inquiry?</p> <p>22 MR. HILL: Same objection, asked and answered</p> <p>23 multiple times.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 308</p> <p>1 correct, sir?</p> <p>2 MR. HILL: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. We can pull that data and we have and</p> <p>5 looked at it in the past.</p> <p>6 BY MR. MOUGEY:</p> <p>7 Q. But there is absolutely no automated</p> <p>8 system that did it on a regular basis, correct, sir?</p> <p>9 A. There is reporting servers and elements</p> <p>10 that pull data about prescribers, but, again --</p> <p>11 Q. I'm not asking about --</p> <p>12 MR. HILL: Let him finish. Were you finished?</p> <p>13 Finish your answer.</p> <p>14 BY MR. MOUGEY:</p> <p>15 Q. No, I'm asking for a simple answer to my</p> <p>16 question.</p> <p>17 MR. HILL: Finish your answer. Finish your</p> <p>18 answer.</p> <p>19 BY MR. MOUGEY:</p> <p>20 Q. Was there an automated system --</p> <p>21 MR. HILL: Peter, he can finish his answer.</p> <p>22 MR. MOUGEY: No.</p> <p>23 MR. HILL: You can't cut him off. He has asked</p> <p>24 ten times.</p>
<p style="text-align: right;">Page 307</p> <p>1 A. Our team might look at certain doctors if</p> <p>2 they have higher percentages.</p> <p>3 BY MR. MOUGEY:</p> <p>4 Q. And what program or policy did Walgreens</p> <p>5 have in place to identify those doctors on an</p> <p>6 automated basis?</p> <p>7 MR. HILL: Same objection.</p> <p>8 BY THE WITNESS:</p> <p>9 A. We -- on a -- there isn't one on an</p> <p>10 automated basis.</p> <p>11 BY MR. MOUGEY:</p> <p>12 Q. And yet the gentleman, Denny Murray, who</p> <p>13 you identified as one of the two people that was</p> <p>14 knowledgeable about performing due diligence on</p> <p>15 suspicious orders, says that a pain management clinic</p> <p>16 is a red flag by itself, correct, sir?</p> <p>17 A. Correct. However, there is no -- there's</p> <p>18 no metadata element that would tell us a doctor is a</p> <p>19 pain management clinic.</p> <p>20 Q. But a simple query into your system that</p> <p>21 could easily have been written from code that identify</p> <p>22 doctors that exceeded a certain percentage threshold</p> <p>23 of their prescriptions in Schedule II and III</p> <p>24 narcotics could have been automated the entire time,</p>	<p style="text-align: right;">Page 309</p> <p>1 BY MR. MOUGEY:</p> <p>2 Q. Was there an automated system at Walgreens</p> <p>3 that identified high percentage prescription writing</p> <p>4 from prescribers in Schedule II and Schedule III</p> <p>5 opiates, yes or no?</p> <p>6 MR. HILL: Mr. Bratton, you can finish your</p> <p>7 earlier answer.</p> <p>8 BY THE WITNESS:</p> <p>9 A. So, we have a system to develop -- that</p> <p>10 pulls reports about the percentage of controls,</p> <p>11 opioids, various other data elements. However, those</p> <p>12 reports, again, you will get in those reports Hospice</p> <p>13 providers, various other practitioners, not just bad</p> <p>14 guys.</p> <p>15 BY MR. MOUGEY:</p> <p>16 Q. I want you to listen to my question. I</p> <p>17 didn't ask you if you had controls, various other data</p> <p>18 elements. That's not what I asked.</p> <p>19 What I asked you was: Is there an</p> <p>20 automated system that generates reports -- I want you</p> <p>21 to put everything down and just listen to me, okay?</p> <p>22 MR. HILL: You just do what we need to do.</p> <p>23 BY MR. MOUGEY:</p> <p>24 Q. Because I've asked you this question 15</p>

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1 times.
2 MR. HILL: We agree. We agree.
3 BY MR. MOUGEY:
4 Q. I want an answer. A simple yes or no.
5 MR. HILL: You don't have to answer yes or no.
6 BY MR. MOUGEY:
7 Q. Was there --
8 MR. MOUGEY: Are you done?
9 MR. HILL: You've asked him this --
10 BY MR. MOUGEY:
11 Q. Was there an automated system that was
12 read -- that was run on a regular basis at Walgreens
13 identifying prescribers that had a high percentage in
14 Schedule II and Schedule III opiates, yes or no?
15 MR. HILL: Object to the form.
16 BY THE WITNESS:
17 A. Not opiates specifically, but control
18 percentages we have automated reports, yes.
19 BY MR. MOUGEY:
20 Q. And what are those reports called?
21 A. Prescriber ranking.
22 Q. And those are run on a regular basis and
23 are automated and given to you as part of your due
24 diligence?

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1 A. They're --
2 MR. HILL: Object to the form.
3 BY THE WITNESS:
4 A. The due diligence -- I -- I'm struggling,
5 again, with linking the two -- the prescriber to an
6 order.
7 BY MR. MOUGEY:
8 Q. I get that.
9 A. A store creates an order, they then fill a
10 prescription from a prescriber. So there is a ranking
11 of doctors that we do have that we have looked at at
12 times for various projects.
13 Q. I didn't ask at times, I didn't ask for
14 various projects. I've read the paper.
15 What I'm asking you is different. You
16 understand what the word "automated" means, right?
17 A. Yes.
18 Q. You understand what the word "regular" --
19 "on a regular basis," correct?
20 A. Correct.
21 Q. Is there an automated report on a regular
22 basis that's generated by Walgreens that identifies
23 high percentage prescribing doctors in Schedule II and
24 Schedule III opiates?

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1 MR. HILL: Object to the form.
2 BY THE WITNESS:
3 A. Not opiates specifically.
4 BY MR. MOUGEY:
5 Q. Controlled substances?
6 A. Yes.
7 Q. A regular, automated report?
8 A. Correct.
9 Q. What report is that?
10 A. The prescriber ranking.
11 Q. And that's -- that report is generated on
12 a regular -- how often is that report generated?
13 A. Every 90 days, I believe.
14 Q. Okay. So your answer about special
15 projects and on a -- when -- when we in -- inquire
16 into that, that's different than what you just said on
17 a 90 days?
18 MR. HILL: Object to form.
19 BY THE WITNESS:
20 A. The report generates in the server every
21 90 days. It is an on-demand report, though. So to
22 go -- it is not sent out to anyone. You have to go
23 view it.
24 MR. HILL: Why don't we take a break. It's been

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1 over an hour.
2 THE VIDEOGRAPHER: Going off the record --
3 MR. MOUGEY: I -- I want to finish this line of
4 questioning.
5 BY MR. MOUGEY:
6 Q. You're -- so in order to go find -- you
7 have to go find the report?
8 A. The user would have to go into our web
9 tool and go pull it up, yes.
10 Q. I'm not talking about a user, I'm talking
11 about you, okay.
12 Did you go and regularly look at that
13 report to pull high prescribing -- high percentage
14 prescribing doctors in controlled substances?
15 A. We -- we reference that report at times
16 when there are questions about specific prescribers.
17 We don't as a matter of course use that to go out and
18 say this doctor is good or bad.
19 Q. Was that report used prior to 2013
20 settlement agreement with the DEA?
21 MR. HILL: Objection to the form.
22 BY THE WITNESS:
23 A. No.
24 MR. MOUGEY: Let's take a break.

<p style="text-align: right;">Page 314</p> <p>1 THE VIDEOGRAPHER: Going off the record at 2 3:30 p.m. 3 (WHEREUPON, discussion was had off the 4 record.) 5 THE VIDEOGRAPHER: Back on the record at 6 3:30 p.m. 7 BY THE WITNESS: 8 A. The report, though, did not exist before 9 the middle of 2013. 10 BY MR. MOUGEY: 11 Q. Thank you. 12 THE VIDEOGRAPHER: Going off the record at 13 3:31 p.m. 14 (WHEREUPON, a recess was had 15 from 3:31 to 3:43 p.m.) 16 THE VIDEOGRAPHER: We are back on the record at 17 3:43 p.m. 18 BY MR. MOUGEY: 19 Q. Mr. Bratton, would you mind walking me 20 through that report that you just mentioned that was 21 populated but not sent to you automatically regarding 22 the doctors. 23 What -- what data fields are in that 24 report?</p>	<p style="text-align: right;">Page 316</p> <p>1 don't know if we have any data retention policy on 2 that table in the database. It might be purged. I'm 3 not sure. 4 Q. Wouldn't you want as much data you could 5 have so you can answer questions about trends or 6 patterns? 7 MR. HILL: Object to the form. 8 BY THE WITNESS: 9 A. I -- I don't know. 10 BY MR. MOUGEY: 11 Q. You just analyze data, but you don't know 12 whether more data is better? 13 A. It depends on what question you are trying 14 to answer. 15 Q. Well, the more options you have when 16 analyzing data the better, right? 17 A. Correct. However, there is -- in a 18 database there is not unlimited space and so you have 19 to make decisions about what to keep and what not to 20 keep, otherwise you'd have to have unlimited money to 21 maintain the database. 22 Q. So business decisions govern what data is 23 left for you all to do your job monitoring in your 24 department?</p>
<p style="text-align: right;">Page 315</p> <p>1 A. That report looks at the quantity of 2 various -- there's various products that are ranked, 3 oxycodone, hydrocodone, Alprazolam, et cetera. There 4 is about nine different ones. It then looks at what's 5 the quantity prescribed by that doctor, what's -- in 6 the last 90 days, what's the quantity prescribed in 7 the previous 90 days, has there been a percentage of 8 change, what's the percentage of immediate release 9 oxycodone products, what, if any, percentage of his -- 10 of the patients of the doctor are paying cash. There 11 may be some others, but I can't recall at this time. 12 Q. When you said it looks at what's the 13 quantity prescribed of the doctor, quantity of what? 14 A. The quantity of -- so there is, I believe, 15 nine different products that we rank and then it looks 16 at the quantity of each one of those products. All -- 17 each of those factors for each of those rankings. 18 Q. How far back does that data -- can you 19 currently pull? 20 A. I don't -- I don't know right now. I'd -- 21 Q. Do you have a general feel? Do you go 22 back, four years, five years, ten years? 23 A. We didn't create the report until mid 24 2013, so that would be as far back as might exist. I</p>	<p style="text-align: right;">Page 317</p> <p>1 MR. HILL: Object to the form. 2 BY THE WITNESS: 3 A. That might be part of it, yeah. 4 BY MR. MOUGEY: 5 Q. What other reports are automated as part 6 of Walgreens system in 2013 that were populated on a 7 regular basis, other than the one you just mentioned? 8 A. So, many of those are created in 2013. We 9 have a ranking of stores similar to doctors, not as -- 10 not on as many products as doctors, and it says -- 11 shows the field leadership. So this is one that is 12 shared with the field. They get an e-mail letting 13 them know that it's available. And it compares where 14 a store ranks compared to other stores. 15 Q. Okay. What other reports? 16 A. We have a pharmacist GFD report and -- 17 Q. What's a pharmacist -- what's -- what's 18 in -- what's included in the pharmacist GFD report? 19 A. So it's a ranking of the pharmacists, 20 similar to the doctors, what drugs they dispense most 21 frequently at their -- the stores they work at and 22 for -- rated on -- by, like I said, I think nine 23 different product. 24 Q. What else?</p>

<p style="text-align: right;">Page 318</p> <p>1 A. We have some reports about DEA 106s, so 2 how often, what stores have a loss of controlled 3 substance due to what reasons, and there is some 4 details about the ones that are in progress, we have a 5 requirement to -- to complete those within 60 days by 6 the DEA, less time in some states, and so that tool 7 helps track where those reports are in that process. 8 Q. And that's predominantly thefts, correct? 9 A. Largely, yeah. 10 Q. All right. Other than the reports you've 11 just mentioned, anything else that are automated? 12 A. Not that I can think of. 13 Q. Are you drawing a distinction between 14 what's automated and sent to you on a regular basis 15 versus what's automated and you have to go look at? 16 A. The pharmacist GFD and the store ranking, 17 when the report runs, there is an e-mail sent to the 18 field leaders and it says, This report is now 19 available, the new version is available to view. 20 Q. All right. Obviously you have a 21 suspicious order report that was coming to you and 22 Walgreens was still distributing, correct? 23 A. I know -- I believe there was a report. I 24 don't remember if it was myself or the analyst that</p>	<p style="text-align: right;">Page 320</p> <p>1 that circumstance? 2 A. That it exceeded the limit, either the 3 ceiling or tolerance, and there is -- 4 Q. Is that different than a red flag, I mean, 5 is it a different color flag or is there -- 6 MR. HILL: Objection. 7 BY MR. MOUGEY: 8 Q. -- no flag or no color, or what's the 9 difference? 10 MR. HILL: Object to the form. 11 BY THE WITNESS: 12 A. No color. 13 BY MR. MOUGEY: 14 Q. No color flag. 15 All right. So that's just a regular 16 translucent flag? 17 A. It was a flagged order that would then be 18 e-mailed to the store asking them to explain why 19 they've tried to exceed their ceiling limit or 20 tolerance. 21 Q. Sir, you understand the concept that a 22 flag, red, whatever color it is, generates a little 23 bit of reason for further inquiry, correct? 24 A. Yes.</p>
<p style="text-align: right;">Page 319</p> <p>1 received that report. 2 Q. Okay. Do you receive -- do you understand 3 how often they received it? 4 A. I -- I don't recall. 5 Q. What was -- what tool were you all using 6 to identify suspicious orders in 2013? 7 A. The CSOKPI or CSOM system. 8 Q. Would that populate -- or -- or generate a 9 report on a regular basis? 10 A. I know that there was a weekly report of 11 suspicious orders that we would have to -- the 12 analysts would have to print and fax to the DEA field 13 offices. I don't know if there -- I don't recall if 14 there is other reports that it would -- 15 Q. What about the -- 16 A. -- compile automatically. 17 Q. What about the -- what about the re -- how 18 were you all identifying -- walk me through the 19 process in 2013 of what Walgreens did to identify 20 suspicious orders? 21 A. So if a store tried to place an order that 22 exceeded their ceiling or -- or tolerance, the order 23 would be flagged. 24 Q. What does -- what does flagged mean in</p>	<p style="text-align: right;">Page 321</p> <p>1 Q. Okay. And so the suspicious order report 2 does just that, it raises a flag, either you or the 3 analyst contacts the store, right? 4 A. Correct. 5 Q. And that was based on exceeding the 6 ceiling? 7 A. Ceiling. 8 Q. What's the terms? I forget. 9 A. Ceiling or tolerance. 10 Q. Ceiling or tolerance. And frequency I 11 believe, too, correct? 12 A. Tolerance is the measure of frequency. 13 Q. All right. And there was a couple of 14 decisions to make at that point, right, whether or not 15 the order was -- needed an explanation from the 16 pharmacy, right? 17 A. So we would automatically contact the 18 store and ask them for an explanation, we would 19 then -- if they didn't reply, we would automatically 20 report it as suspicious. If they did reply, there 21 would be a process to -- to review with them why they 22 ordered it and there may be times when we would report 23 it as suspicious. 24 Q. And that may or may not have been dac --</p>

<p style="text-align: right;">Page 322</p> <p>1 documented in the database, right?</p> <p>2 MR. HILL: Object to the form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I'm not sure if it -- if it's -- there may</p> <p>5 be times it's outside the database. There is</p> <p>6 something in the database. I'm not sure.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. So if the order triggered the flag and the</p> <p>9 pharmacy didn't respond within 48 hours, what happened</p> <p>10 to the shipment?</p> <p>11 A. Well, the shipment, no matter what, was</p> <p>12 halted.</p> <p>13 Q. Okay. So in the question I just asked,</p> <p>14 it -- it wouldn't be shipped, right?</p> <p>15 A. Correct.</p> <p>16 Q. All right. So if they didn't -- and that</p> <p>17 was a 48-hour period, right, if they didn't respond in</p> <p>18 48 hours, then it was considered suspicious, report</p> <p>19 went to the DEA and it wasn't shipped, correct?</p> <p>20 A. I -- I believe so, yes.</p> <p>21 Q. Okay. So if they did respond, the analyst</p> <p>22 or yourself would engage in a conversation with the</p> <p>23 pharmacy -- pharmacy to determine if it was</p> <p>24 suspicious, right?</p>	<p style="text-align: right;">Page 324</p> <p>1 A. Aft -- after an override was placed by</p> <p>2 our --</p> <p>3 Q. That's kind of a matter of semantics,</p> <p>4 right, the initial order is shipped after inquiry,</p> <p>5 correct?</p> <p>6 MR. HILL: Object to the form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. The -- the initial order is never shipped</p> <p>9 if it is flagged. An additional order might be</p> <p>10 placed --</p> <p>11 BY MR. MOUGEY:</p> <p>12 Q. To re --</p> <p>13 A. -- that might be shipped.</p> <p>14 Q. To replace an additional order after</p> <p>15 inquiry if you deem it not suspicious and then -- and</p> <p>16 then the alternative order is shipped, how is that?</p> <p>17 A. Correct.</p> <p>18 Q. So could you please provide some examples</p> <p>19 of -- based upon the flag and your inquiry into the</p> <p>20 pharmacy, of what explanations met with your approval</p> <p>21 to create an alternative order and then that one</p> <p>22 shipped?</p> <p>23 A. Sure.</p> <p>24 One example would be if the pharmacy had</p>
<p style="text-align: right;">Page 323</p> <p>1 A. Correct.</p> <p>2 Q. And even though it's a flag and it</p> <p>3 warranted further inquiry, was that order shipped --</p> <p>4 or I'd -- I'm sorry -- was that order identified to</p> <p>5 the DEA as suspicious?</p> <p>6 MR. HILL: Object to the form.</p> <p>7 BY THE WITNESS:</p> <p>8 A. Not -- if -- if we were able to resolve --</p> <p>9 if the store gave a appropriate and credible answer as</p> <p>10 to why they needed additional product, then it</p> <p>11 wouldn't be reported as suspicious.</p> <p>12 BY MR. MOUGEY:</p> <p>13 Q. So let's go through kind of the list in</p> <p>14 your head of what you think were a reasonable</p> <p>15 explanation that -- that the suspicious order or the</p> <p>16 flagged order could go ahead and be shipped, okay?</p> <p>17 A. Just to clarify, if an order was flagged,</p> <p>18 it is never shipped. They may, if we find that there</p> <p>19 is a legitimate reason, place a new order that we</p> <p>20 would have to put an override in for them to be able</p> <p>21 to place.</p> <p>22 Q. So that specific order may not be shipped,</p> <p>23 you just have to enter a new entry and then that one</p> <p>24 shipped, right?</p>	<p style="text-align: right;">Page 325</p> <p>1 newly contracted with a -- a Hospice. Another might</p> <p>2 be that the -- a buyout had occurred and the</p> <p>3 pharmacy's volume changed suddenly. Our algorithm</p> <p>4 bases the store's limits off of the last 13 weeks of</p> <p>5 orders, and so if they've had a sudden change, instead</p> <p>6 of them making the 13 weeks, if it's a legitimate</p> <p>7 reason, like a buyout, we would increase their ceiling</p> <p>8 limit and allow them to place a new order.</p> <p>9 Q. Let me stop you on that one. It wasn't</p> <p>10 always 13 weeks, though, it was 52 weeks at one point,</p> <p>11 correct?</p> <p>12 A. With --</p> <p>13 MR. HILL: Objection to form.</p> <p>14 BY MR. MOUGEY:</p> <p>15 Q. In '13?</p> <p>16 A. Within -- I -- I -- I don't know that to</p> <p>17 be true. I think --</p> <p>18 Q. Okay.</p> <p>19 A. -- my understanding is the CSOM system,</p> <p>20 the current one that's still in use, was always</p> <p>21 13 weeks.</p> <p>22 Q. All right. So we have a contract with</p> <p>23 Hospice, we have a buyout occurred, we have in the</p> <p>24 13 weeks there is a sudden change.</p>

<p style="text-align: right;">Page 326</p> <p>1 What else have you got?</p> <p>2 A. One of the products that's frequently</p> <p>3 flagged is fentanyl, which is a very powerful patch</p> <p>4 product that's used for administration of an opioid.</p> <p>5 Normally it's used in end-of-life care for cancer</p> <p>6 patients, but most stores don't normally order it.</p> <p>7 And so the algorithm, if you've ordered zero, zero,</p> <p>8 zero, zero, zero, any order at that point has now</p> <p>9 exceeded the tolerance if -- if it's above a default</p> <p>10 value of two. And that product is typically</p> <p>11 described -- prescribed in three or four quantity</p> <p>12 boxes, and so almost every order for fentanyl for most</p> <p>13 stores is going to trip that flag.</p> <p>14 Q. Okay. Anything else because -- anything</p> <p>15 else you can think of that would -- that was an</p> <p>16 explanation when there was a suspicious order that</p> <p>17 would meet with your approval to create an alternative</p> <p>18 order and then ship that one?</p> <p>19 MR. HILL: Object to the form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. There is probably other -- there is</p> <p>22 probably other permutations that I'm not thinking of.</p> <p>23 Within the -- the buyout thing, there would be if</p> <p>24 there was another pharmacy in a town that closed and</p>	<p style="text-align: right;">Page 328</p> <p>1 buyout. So one day one -- you know, Week 13 you now</p> <p>2 have the buyout or a merger and acquisition volume</p> <p>3 or -- or a store closing or whatever, we don't want</p> <p>4 the store to have to wait 13 weeks to get the product</p> <p>5 to accommodate the new patients that they are getting</p> <p>6 that day.</p> <p>7 Q. Most of the examples you just gave me,</p> <p>8 would you agree, are relatively rare?</p> <p>9 MR. HILL: Object to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. The fentanyl one occurs thousands of times</p> <p>12 a year.</p> <p>13 BY MR. MOUGEY:</p> <p>14 Q. Outside of fentanyl, a new hospital coming</p> <p>15 in, I'm assuming a new medical facility, that's</p> <p>16 relatively rare?</p> <p>17 A. I -- I --</p> <p>18 MR. HILL: Object to the form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. -- I don't know how frequently it occurs.</p> <p>21 I -- I know that we sometimes become in network with</p> <p>22 facilities that we were previously not in network</p> <p>23 with. So that's another sort of variation on the</p> <p>24 medical facility.</p>
<p style="text-align: right;">Page 327</p> <p>1 now the customers are coming there or if we closed a</p> <p>2 different Walgreens somewhere nearby or if a new</p> <p>3 medical facility opened and their bang -- their</p> <p>4 business has changed. There -- there is probably</p> <p>5 additional that I'm -- that I'm not remembering right</p> <p>6 now, but those are some examples.</p> <p>7 BY MR. MOUGEY:</p> <p>8 Q. Okay. So I'm -- I'm talking about once</p> <p>9 pharmaceutical integrity department was created up</p> <p>10 until when Walgreens stopped distributing opiates in</p> <p>11 2014, are those answers that you just gave in that</p> <p>12 time period?</p> <p>13 A. That --</p> <p>14 MR. HILL: Object to the form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. That -- those would be examples why we</p> <p>17 might override a ceiling limit --</p> <p>18 BY MR. MOUGEY:</p> <p>19 Q. Okay.</p> <p>20 A. -- even to -- until today.</p> <p>21 Q. Okay. Now, one of the examples you gave</p> <p>22 me, the 13-week sudden change, can you give me a</p> <p>23 little more detail on that?</p> <p>24 A. That would be -- I was expounding on the</p>	<p style="text-align: right;">Page 329</p> <p>1 BY MR. MOUGEY:</p> <p>2 Q. How many suspicious orders in 2013,</p> <p>3 beginning of 2014 were getting flagged that warranted</p> <p>4 further inquiry per week?</p> <p>5 A. In 2013?</p> <p>6 Q. Um-hum.</p> <p>7 A. I don't recall.</p> <p>8 Q. I mean, are -- are we talking -- I'm</p> <p>9 just -- broke -- you are broken up into four</p> <p>10 geographical areas, right?</p> <p>11 A. Right.</p> <p>12 Q. 7, 8, 9,000 stores divided by four, there</p> <p>13 are somewhere around 2,000 stores per geographical</p> <p>14 region, is that right?</p> <p>15 A. About that, yeah.</p> <p>16 Q. Okay. So, I mean, are you getting 20 or</p> <p>17 are you getting 2,000?</p> <p>18 A. I don't -- I don't recall how many.</p> <p>19 Q. You don't recall whether you got 20 or</p> <p>20 2,000 or anywhere in between?</p> <p>21 A. I -- I don't. I know initially when we</p> <p>22 rolled this out some stores were afraid to ask or</p> <p>23 change their order at all, so we wouldn't get -- they</p> <p>24 wouldn't -- even when they had legitimate need they</p>

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1 wouldn't ask for more product, which caused other
2 problems.
3 Q. All right. Overriding the ceiling limit.
4 The ceiling limit was created by an
5 algorithm, correct?
6 A. Correct.
7 Q. And that algorithm compared like stores
8 with similar amounts of prescriptions, correct?
9 A. Correct.
10 Q. And are you familiar with the term "linear
11 regression"?
12 A. Yes.
13 Q. And the algorithm used a linear
14 regression, correct?
15 A. Correct.
16 Q. And I believe you used the word "default
17 by two" earlier?
18 A. The tolerance would default to two if they
19 have no order history.
20 Q. Okay. What does that mean?
21 A. So tolerance would normally be a measure
22 of frequency and my understanding of tolerance is a
23 measure of the frequency and the quantity of those
24 frequencies. And so if they had no previous order

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1 history, so, therefore, they had no frequency, it
2 would default to a tolerance limit of two packages.
3 Q. So the algorithm was attempting to
4 identify outlier orders that fell outside the average
5 based on a statistical analysis, correct?
6 A. Correct.
7 Q. And do you have an understanding of how
8 far outside the average an order had to be to be
9 considered suspicious and flagged?
10 MR. HILL: Object to the form.
11 BY THE WITNESS:
12 A. I -- I know that there is something called
13 a K value and that relates to how far outside the
14 average, but I -- I don't know how much, like, it
15 would have to be outside the average.
16 BY MR. MOUGEY:
17 Q. Do you know what a K value is?
18 A. I do not.
19 Q. Do you know what standard deviation is?
20 A. I do.
21 Q. What is standard deviation?
22 A. Standard deviation is a measure of the
23 variation in a number or series of numbers.
24 Q. Do you have any idea what the standard

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1 deviation of an order had to be when compared to the
2 average to be considered suspicious?
3 A. I do not.
4 Q. Once an order is identified suspicious and
5 you contact the pharmacy or your analyst does and you
6 receive a -- what you believe is a satisfactory
7 response to your inquiry, okay, and you enter an
8 alternative order in and then ship it.
9 Do I have that down right?
10 A. We would increase the ceiling limit and
11 then they would have to place a new order.
12 Q. Is that initial order reported to the DEA
13 as suspicious?
14 A. Not if we were able to resolve why it was
15 placed.
16 Q. So regardless of the fact a flag was
17 placed on that order, you all at Walgreens do not
18 believe that that is a suspicious order?
19 MR. HILL: Object to the form.
20 BY THE WITNESS:
21 A. Not being flagged alone.
22 BY MR. MOUGEY:
23 Q. Do you -- are you familiar with the term
24 at Walgreens "order of interest"?

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1 A. Yes.
2 Q. What is an order of interest at Walgreens?
3 A. I believe that's the same as flagged.
4 Q. So is it a -- do you believe it's a
5 two-stepped approach at Walgreens that an order of
6 interest is a flagged order and then only orders that
7 don't pass -- don't provide a satisfactory response or
8 don't respond within a certain amount of time, that
9 those are the suspicious orders?
10 MR. HILL: Object to the form.
11 MR. MOUGEY: That was a bad question.
12 BY MR. MOUGEY:
13 Q. Two different categories, order of
14 interest, suspicious orders.
15 Do you agree with me there?
16 A. I would -- my understanding is they are
17 the same.
18 Q. You think orders of interest and
19 suspicious orders are the same?
20 A. Oh, wait. Sorry. Flagged orders and
21 orders of interest are the same. Suspicious orders
22 are ones that have failed our investigation.
23 Q. All right. So they either didn't respond
24 or they failed the investigation and that's a

<p style="text-align: right;">Page 334</p> <p>1 suspicious order?</p> <p>2 A. Correct.</p> <p>3 Q. All right. So if it's flagged or an order</p> <p>4 of an in -- order of interest, you believe those are</p> <p>5 the same?</p> <p>6 A. I believe so.</p> <p>7 Q. And an order of interest or a flagged</p> <p>8 order are not reported to the DEA, correct?</p> <p>9 A. It might be, but only being flagged would</p> <p>10 not be enough to have it be reported.</p> <p>11 Q. Sure. They either need to fail the</p> <p>12 inquiry or not respond for it to be reported, correct?</p> <p>13 A. Correct.</p> <p>14 Q. So an order of interest being an outlier</p> <p>15 based on the average and the linear regression does</p> <p>16 not in and of itself warrant a suspicious order to go</p> <p>17 to the DEA, correct?</p> <p>18 A. Correct.</p> <p>19 Q. So let's go back to an order is flagged</p> <p>20 and you make an inquiry, all right.</p> <p>21 Do you agree that the inquiry is kind of</p> <p>22 synonymous with due diligence?</p> <p>23 MR. HILL: Object to the form.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 336</p> <p>1 Well, how many times have they given me this excuse in</p> <p>2 the last six or seven or eight months.</p> <p>3 Can you do that?</p> <p>4 A. Yeah --</p> <p>5 MR. HILL: Object to the form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. -- the user or whoever it was reviewing it</p> <p>8 could go into the system and see all of the previously</p> <p>9 override -- overridden or denied ceiling increase</p> <p>10 requests.</p> <p>11 BY MR. MOUGEY:</p> <p>12 Q. All right. So there is a way for the</p> <p>13 system to capture how many overrides or whether it was</p> <p>14 approved or not approved in 2013?</p> <p>15 A. Yes.</p> <p>16 Q. Is that captured automatically or does the</p> <p>17 analyst have to enter it in manually?</p> <p>18 MR. HILL: Object to the form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. It's captured by the system automatically.</p> <p>21 BY MR. MOUGEY:</p> <p>22 Q. So whether the ceiling was approved,</p> <p>23 increased, denied, or it was temporary would be in the</p> <p>24 system?</p>
<p style="text-align: right;">Page 335</p> <p>1 A. I -- I believe it is.</p> <p>2 BY MR. MOUGEY:</p> <p>3 Q. You are just -- you are calling to check</p> <p>4 on the flagged order to see what -- what warranted the</p> <p>5 order outside of the average, right?</p> <p>6 A. Correct.</p> <p>7 Q. And, now, if, in fact, that store gives</p> <p>8 you a satisfactory response, the ceiling is changed,</p> <p>9 correct?</p> <p>10 A. Now that I'm thinking about it more,</p> <p>11 sometimes we may change the ceiling if it's a</p> <p>12 permanent change in business, like the buyout.</p> <p>13 Sometimes there may be a one-time order only that is</p> <p>14 allowed.</p> <p>15 Q. How -- how do you know if end of '13 you</p> <p>16 look back how many times a store has asked for a</p> <p>17 ceiling increase?</p> <p>18 A. The -- myself or the user that's referring</p> <p>19 to --</p> <p>20 Q. No, I'm -- whoever the user is, whether</p> <p>21 it's you or someone -- you are on the phone, you are</p> <p>22 talking to the pharmacy, they are giving you an answer</p> <p>23 about why the flagged order was made, they are outside</p> <p>24 the average, and you want to look back and think,</p>	<p style="text-align: right;">Page 337</p> <p>1 A. Correct.</p> <p>2 Q. All right. Now, since you were at</p> <p>3 Walgreens in 2013 until Walgreens ceased distributing</p> <p>4 Schedule II and III in '14, do you have an</p> <p>5 understanding on average how often a suspicious order</p> <p>6 report was going to the DEA?</p> <p>7 A. I know that we sent them out every week,</p> <p>8 maybe twice a week, but I don't know the number</p> <p>9 offhand how many were reported or...</p> <p>10 Q. And I'm not asking you, like -- like,</p> <p>11 2,932. I'm -- I'm wondering, are there ten or are</p> <p>12 there thousands or do you have any recollection?</p> <p>13 A. I don't recall.</p> <p>14 Q. You don't recall. I mean -- I mean, if</p> <p>15 there were thousands in '13, you would have to have</p> <p>16 people standing there, you know, full time just</p> <p>17 punching in fax numbers, I would think?</p> <p>18 A. Well, the -- we would summarize the -- all</p> <p>19 of the orders for that field date -- office and then</p> <p>20 send that as one fax for all of the relevant</p> <p>21 registrants for that field office.</p> <p>22 Q. And how would those be summarized?</p> <p>23 A. There would be a report that would be</p> <p>24 exported from the -- the CSOKPI application and it</p>

<p style="text-align: right;">Page 338</p> <p>1 would contain the order, the product, the quantity and 2 some other fields. I can't recall. It was a number. 3 And then each line would be -- you know, that store, 4 that item, and then that whole report would be faxed 5 to the field office. 6 Q. Okay. Were the reports that were faxed to 7 the field office only from the pharmacies in that 8 specific geographic locations? 9 A. That were within that field office's area 10 of responsibility as best we understood. 11 Q. Which would make sense, right. I mean, 12 you are not going to send the field office in 13 San Diego the suspicious order report from Virginia, 14 right? 15 A. Correct. 16 Q. That would be overwhelming if you are the 17 field office in San Diego to get the suspicious orders 18 from Virginia, you'd have to filter all and sort all 19 of those out, right? 20 A. Right. 21 MR. HILL: Object to form. 22 BY MR. MOUGEY: 23 Q. And make the DEA's job much harder, 24 correct?</p>	<p style="text-align: right;">Page 340</p> <p>1 that? 2 A. I believe so. 3 Q. All right. Do you have any thoughts or 4 opinion on the algorithm that was used, whether or not 5 it was an effective tool? 6 A. I -- I believe it was effective. 7 Q. In 2013, 2014, I guess maybe we brought it 8 up, from late 2012 until Walgreens stopped 9 distributing C-II and C-III in 2014, do you believe 10 that the algorithm used was an effective tool to 11 identify suspicious orders? 12 A. I believe it -- 13 MR. HILL: Object to form. 14 BY THE WITNESS: 15 A. I believe it was effective. 16 BY MR. MOUGEY: 17 Q. So was there a process with approving the 18 suspicious order reports generated out of the CSOM 19 before they were assimilated and sent to the field 20 office, the DEA field office? 21 A. Not that I'm aware of. 22 Q. How -- how fast, once the order is 23 flagged, how -- what was the turnaround time you all 24 sought to achieve to get reported to the DEA?</p>
<p style="text-align: right;">Page 339</p> <p>1 MR. HILL: Same objection. 2 BY THE WITNESS: 3 A. It would have if we had done that. 4 BY MR. MOUGEY: 5 Q. Yes, sir. But you did -- you don't -- you 6 are not aware that you all ever did that, right? 7 MR. HILL: Same objection. 8 BY THE WITNESS: 9 A. Not that I'm aware of. 10 BY MR. MOUGEY: 11 Q. Because that wouldn't make any sense? 12 MR. HILL: Same objections. 13 BY THE WITNESS: 14 A. Correct. 15 BY MR. MOUGEY: 16 Q. All right. What -- did you export the 17 report out of the CSOM and put it in Excel or did it 18 go right out of the CSOM? 19 A. They -- I believe it was in Excel and they 20 would print it and then put it in the fax machine and 21 send it to that field office. 22 Q. Okay. If you wanted to go back today and 23 identify those suspicious order reports that were sent 24 to specific field offices of the DEA, could you do</p>	<p style="text-align: right;">Page 341</p> <p>1 A. I believe -- I'm not -- I think it was 2 twice weekly, but I -- I'm not sure I recall. 3 Q. It was pretty frequent? 4 MR. HILL: Object to the form. 5 BY MR. MOUGEY: 6 Q. And do you know who approved those reports 7 before they were sent, if anyone? 8 A. I -- I don't believe that they were 9 approved. 10 Q. Okay. 11 A. It was just the -- whatever came out of 12 the system. 13 Q. Whatever came out of the system was 14 populated and the analyst sent it? 15 A. Correct. 16 Q. Now, what -- what do you believe that 17 those reports were called? Or they -- did they have a 18 caption on them or a title on them? 19 A. I -- to the best of my recollection, I 20 think it said suspicious order reports from, care of, 21 or from pharmacy integrity, if you have questions 22 contact us or Polster and then it had the details 23 below that. 24 Q. Now, earlier you mentioned that you</p>

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1 believed from others in your department that the DEA
2 said stop sending these reports?
3 A. That's the comments that I had heard.
4 Q. Are these the same reports that you are
5 talking about now that the DEA said stop sending?
6 A. That certain field offices said they no
7 longer wanted, yes.
8 Q. All right. Do you know what timeframe
9 that was?
10 A. 2013 or 2014.
11 Q. But you are not sure which year?
12 A. I -- I -- it happened multiple times. I'm
13 not sure of the exact dates.
14 Q. And the analysts were the individuals
15 responsible for actually standing in front of the fax
16 machine and faxing them?
17 A. Correct.
18 Q. And these weren't automatically faxed,
19 from like, you know, your computer can fax stuff for
20 you?
21 MR. HILL: Objection to form.
22 BY THE WITNESS:
23 A. I think we eventually did something where
24 they could e-mail it, like, to the fax number, but

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1 initially they were faxing it out from a fax machine
2 and then they would wait for the confirmation fax.
3 BY MR. MOUGEY:
4 Q. Now, I don't have your -- I'm sorry, I
5 don't have your bio in front of me, but your
6 undergraduate degree is in biology, right?
7 A. Correct.
8 Q. And do you have any graduate degree?
9 A. No.
10 Q. And did you undertake projects while at
11 Walgreens performing some evaluations or links between
12 prescribing and mortality?
13 A. We had -- we attempted to.
14 Q. And you attempted to link mortality to
15 Walgreens' prescription data to try to determine if
16 you could identify high risk patterns of behavior in
17 patients that these drugs are prescribing -- writing
18 for these drugs, right?
19 A. Correct.
20 Q. And who helped you, did anyone help you
21 with that project?
22 A. I know that we had tried to reach out
23 through our patient safety office to the CDC. They
24 weren't able to provide the type of data that we would

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1 have needed to conduct that analysis.
2 Q. Tell me what you were trying to
3 accomplish?
4 A. We were trying to understand if there were
5 risk patterns that we could use to identify unhealthy
6 behavior or risky behavior by -- by patients that
7 might be part of a training material or some other
8 educational thing that we could provide to -- to
9 pharmacists about identifying abuse.
10 Q. Was this your idea?
11 A. I don't recall if it was my idea.
12 Q. And your goal was to identify high risk
13 behavior, essentially, correct?
14 MR. HILL: Object to the form.
15 BY THE WITNESS:
16 A. Correct.
17 BY MR. MOUGEY:
18 Q. By combining the CDC data with Walgreens
19 dispensing data?
20 A. Correct.
21 Q. And your thought was to take -- let me
22 hand you what -- hand you what's marked as Bratton 13.
23 (WHEREUPON, a certain document was
24 marked Walgreens-Bratton Deposition

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1 Exhibit No. 013, for identification,
2 as of 11/30/2018.)
3 BY MR. MOUGEY:
4 Q. And this is an e-mail from you to Averill
5 Gordon?
6 A. Um-hum.
7 Q. Who is Averill Gordon?
8 A. He was the head of our patient safety
9 organization at that time.
10 Q. So you at -- according to this e-mail, it
11 sounds like you had had a discussion with Averill
12 regarding the CDC data project, right?
13 A. Correct, and I believe he forwarded it off
14 to a contact that he had.
15 Q. In -- in -- within Walgreens?
16 A. No. At the CDC.
17 Q. All right. So you were looking to try to
18 pull some data from the CDC and combine that or link
19 that with the Walgreens dispensing data, right?
20 A. To establish if there was a link and if
21 there was what it might be.
22 Q. And -- and this is May 2nd of 2013,
23 correct?
24 A. Correct.

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1 Q. So why don't you read the -- the paragraph
2 that begins with "in an effort."
3 A. "In an effort to identify inappropriate
4 use and prevent diversion, I would like to conduct a
5 study of prescription opiate related deaths in an
6 attempt to link mortality data to Walgreens
7 prescription data, so that we might identify high risk
8 patterns of behavior in patients taking these drugs or
9 prescribers writing for these drugs. This would
10 allows us to quantify and target our efforts towards
11 the areas of greatest harm."
12 Q. So you were trying to take the mortality
13 data and correlate it or put it on top of the
14 Walgreens dispensing data to help your pharmacists?
15 A. To -- to determine if --
16 MR. HILL: Object to form.
17 BY THE WITNESS:
18 A. To determine if there was a correlation
19 and maybe what -- what we could do with that data.
20 BY MR. MOUGEY:
21 Q. So -- and you go on in the next paragraph
22 to say:
23 "To conduct this study we would need
24 identified mortality data from the CDC. The type of

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1 request is referred to as 'mortality-multiple cause of
2 death, states and all counties-detailed.'"
3 Correct?
4 A. Correct.
5 Q. So you had done some homework already
6 analyzing what kind of data sets were available within
7 the CDC, correct?
8 A. I believe that I tried to look up what
9 type of data sets they had.
10 Q. And based on your analysis with your --
11 with your background, your science background, you
12 thought this is the data set that I would at least
13 like to start to look at, correct?
14 A. Correct.
15 Q. And you identify here 1 through 6
16 generally as the types of fields you needed within
17 that data set, correct?
18 A. Correct.
19 Q. And -- and they were listed as -- go
20 ahead, read them off, 1 through 6.
21 A. General time and date, place of death, et
22 cetera. Occurrence (state, county), demographics
23 (age, sex, race, marital status, education).
24 Underlying cause (ICD-10, CDC cause

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1 cozes -- codes), health conditions, other (tobacco
2 product, pregnancy, place).
3 Q. So let's go back to 4 with the ope -- with
4 the parens, the ICD-10 code and the CDC cause codes.
5 Would you explain what you believe those
6 included?
7 A. I believe that the -- I -- I think what I
8 was going after here was that the ICD-10 code would
9 have been what diagnosis they had on file. In
10 retrospect, I'm not sure that that's something the CDC
11 would -- would ever have. And then I -- I had seen on
12 some of their websites that they have dispositions for
13 different types of death based on what's reported, I
14 think, from the county medical examiners.
15 Q. Because you were used to, in your time at
16 Walgreens, taking fairly large data sets and analyzing
17 the data and even in your time as a -- as a quality
18 analics -- analytics employee, correct?
19 A. Correct.
20 Q. And this was something you thought that
21 you would be helpful by extracting these two data
22 sets, linking them together and analyzing, correct?
23 MR. HILL: Object to the form.
24 BY THE WITNESS:

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1 A. I -- I thought that we could learn
2 something from this.
3 BY MR. MOUGEY:
4 Q. Let me hand you what's marked as
5 Bratton 14.
6 (WHEREUPON, a certain document was
7 marked Walgreens-Bratton Deposition
8 Exhibit No. 014, for identification,
9 as of 11/30/2018.)
10 BY MR. MOUGEY:
11 Q. And keep -- keep 13 handy.
12 Now 14 is an e-mail from you to Tasha
13 Polster, dated 10/25/2013.
14 Do you see that?
15 A. Yes.
16 Q. So it's a -- almost -- a little short of
17 six months after your conversation with Averill
18 Gordon, correct?
19 A. Correct.
20 Q. So if you open that 14, on the second
21 page under Mortality Rate, do you see mortality rate
22 data?
23 A. Yes.
24 Q. "New analysis of patient mortality for

<p style="text-align: right;">Page 350</p> <p>1 users of controlled substances," right?</p> <p>2 A. Correct.</p> <p>3 Q. "Measures rate of death versus normal</p> <p>4 mortality rate for all patients," correct?</p> <p>5 A. Correct.</p> <p>6 Q. "May offer insights into risky prescribers</p> <p>7 and potentially dangerous dosing/abuse trends,"</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. "Potentially an addict" -- "an</p> <p>11 additional" -- or "an additional tool for evaluating</p> <p>12 risk," correct?</p> <p>13 A. Correct.</p> <p>14 Q. So, as of almost six months later, you</p> <p>15 were still working on this prod -- product trying to</p> <p>16 offer insight into risky prescribers and potentially</p> <p>17 dangerous dosing, right?</p> <p>18 A. I don't think I was working on it</p> <p>19 continuously, but it was still something we were</p> <p>20 working on.</p> <p>21 Q. Sure, I'm -- you would have been really</p> <p>22 tired if you would have sat there for six months,</p> <p>23 right? I mean, but this is a project that had been</p> <p>24 ongoing for almost six months at this point, correct?</p>	<p style="text-align: right;">Page 352</p> <p>1 Q. What did you pull from the alternative to</p> <p>2 the CDC database?</p> <p>3 A. So, that was the deceased indicator from</p> <p>4 the patient profile, what patients received controlled</p> <p>5 substances on their patient profile, and then we</p> <p>6 compared that to what doctors had written those</p> <p>7 prescriptions.</p> <p>8 Q. And -- and what did you do with the</p> <p>9 analysis that you did?</p> <p>10 A. So the majority of the doctors we found</p> <p>11 were for patients -- that had high patient mortality</p> <p>12 were Hospice providers. So I provided that report to</p> <p>13 my, I think she was a director then, but my boss,</p> <p>14 Tasha Polster.</p> <p>15 Q. Did it go any further than Ms. Polster?</p> <p>16 A. I think there were some providers, again,</p> <p>17 the majority were Hospice providers, oncology</p> <p>18 providers. There were some doctors that we identified</p> <p>19 that were not and I think she referred that to our CMO</p> <p>20 office for further review.</p> <p>21 Q. How -- how much data, I mean, whether it</p> <p>22 be in gigs, terabytes, lines, how much data did you</p> <p>23 end up accumulating?</p> <p>24 A. The report itself was probably small</p>
<p style="text-align: right;">Page 351</p> <p>1 MR. HILL: Object to form.</p> <p>2 BY THE WITNESS:</p> <p>3 A. I -- I don't believe it was continuous</p> <p>4 effort on this. I think we had sort of stops and</p> <p>5 starts. Initially there was some discussion with the</p> <p>6 CDC and they weren't able to provide us anything and</p> <p>7 then we identified at a later time an alternative</p> <p>8 source for mort -- some mortality data.</p> <p>9 BY MR. MOUGEY:</p> <p>10 Q. Where did you pull that mortality data</p> <p>11 from?</p> <p>12 A. There is an indicator in our prescription</p> <p>13 fulfillment system when a patient is marked as</p> <p>14 deceased. And so we looked at patients that were</p> <p>15 marked deceased and...</p> <p>16 Q. Tell me what data you pulled from</p> <p>17 Walgreens trying to link these two together?</p> <p>18 A. So, we pulled the patients which had been</p> <p>19 marked as a mortality -- that they were deceased, that</p> <p>20 had received an opiate prescription in the last some</p> <p>21 period of time, I don't recall exactly, and then we</p> <p>22 sought to look at if there was any correlation between</p> <p>23 the number of deceased patients and any particular</p> <p>24 prescriber.</p>	<p style="text-align: right;">Page 353</p> <p>1 because it would have just been the doctor's NPI</p> <p>2 number and then some rate, a number. This was</p> <p>3 leveraging our existing enterprise data warehouse</p> <p>4 that's probably ter -- many, many hundreds of</p> <p>5 terabytes. I don't know.</p> <p>6 Q. But not the reports but the actual data</p> <p>7 set you were using to generate the reports, how large</p> <p>8 was it?</p> <p>9 A. That's what I was -- was referring to.</p> <p>10 The EDW system, Enterprise Data Warehouse is very</p> <p>11 large. I don't know.</p> <p>12 Q. All right. Did you extract data out of</p> <p>13 that data warehouse to -- to analyze?</p> <p>14 A. No, not -- unless we would need to combine</p> <p>15 it with another source. So it contained all of the --</p> <p>16 the items that we -- that we needed to perform this</p> <p>17 analysis.</p> <p>18 Q. Did you export anything and sort it or put</p> <p>19 it into Excel or a database to -- to further analyze?</p> <p>20 A. I think there was an Excel sheet probably</p> <p>21 at some point that had the top -- top doctors that was</p> <p>22 sent to the CMO's office.</p> <p>23 Q. Do you recall -- when you say CMO, who is</p> <p>24 that?</p>

<p style="text-align: right;">Page 354</p> <p>1 A. The chief medical officer.</p> <p>2 Q. Of?</p> <p>3 A. Walgreens.</p> <p>4 Q. All right. So Ms. Polster must have</p> <p>5 thought that you did some pretty good work to send it</p> <p>6 to the chief medical office of Walgreens, correct?</p> <p>7 MR. HILL: Object to the form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I don't know.</p> <p>10 BY MR. MOUGEY:</p> <p>11 Q. Did you ever talk to the chief medical</p> <p>12 officer?</p> <p>13 A. Did I?</p> <p>14 Q. Yes, sir, about your project.</p> <p>15 A. I did -- I did not.</p> <p>16 Q. Did they -- did he ever respond or e-mail</p> <p>17 back in any shape, form, or format?</p> <p>18 A. Not to me.</p> <p>19 Q. Did he respond or -- to any -- to</p> <p>20 Ms. Polster?</p> <p>21 A. I don't --</p> <p>22 MR. HILL: Object to form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I don't know.</p>	<p style="text-align: right;">Page 356</p> <p>1 A. So I -- again, I think we were looking at</p> <p>2 is there a criteria we could develop to -- to block a</p> <p>3 doctor, and based, I believe, on the review and our</p> <p>4 other policies, they -- and some system limitations,</p> <p>5 they chose not to proceed with any blocking.</p> <p>6 Q. But the -- the initial objective in</p> <p>7 Bratton 13 was to identify high risk patterns of</p> <p>8 behavior in patients taking these drugs or prescribers</p> <p>9 writing for these drugs, correct?</p> <p>10 A. Correct.</p> <p>11 Q. So what about the other part of the</p> <p>12 equation, were you able to identify high risk patterns</p> <p>13 of behavior in patients taking these drugs?</p> <p>14 A. Without a lot of these other items, we</p> <p>15 were very limited to what we could determine with</p> <p>16 relation to patients.</p> <p>17 Q. But you thought this was a -- a viable</p> <p>18 exercise if you had the right data sets to link CDC</p> <p>19 mortality data to Walgreens' prescription data to</p> <p>20 identify, No. 1, high risk patterns of behavior in</p> <p>21 patients and, No. 2, of prescribers writing for these</p> <p>22 drugs?</p> <p>23 MR. HILL: Same objection.</p> <p>24 BY THE WITNESS:</p>
<p style="text-align: right;">Page 355</p> <p>1 BY MR. MOUGEY:</p> <p>2 Q. So you never -- you -- after this work</p> <p>3 that you did, you didn't hear back from anybody?</p> <p>4 A. I know that we -- there was some</p> <p>5 discussion that they reviewed these, but we -- we</p> <p>6 didn't choose to block any of them for a variety of</p> <p>7 reasons. Some were sys -- system issues.</p> <p>8 Q. And I'm not asking if you blocked anyone.</p> <p>9 I'm just asking did you get any -- any input back from</p> <p>10 the CMO or his office?</p> <p>11 A. I did not.</p> <p>12 Q. And did Ms. Polster receive any feedback</p> <p>13 from the CMO or his office?</p> <p>14 MR. HILL: Objection to form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. I don't -- I don't know.</p> <p>17 BY MR. MOUGEY:</p> <p>18 Q. All right. I'm -- I'm a little confused.</p> <p>19 I'm sorry.</p> <p>20 Did you hear back -- so you -- you worked</p> <p>21 on this data set, you -- you analyzed it, you put a</p> <p>22 report together, you gave it to Ms. Polster, it went</p> <p>23 to the CMO.</p> <p>24 What happened after that?</p>	<p style="text-align: right;">Page 357</p> <p>1 A. Potentially, yes. I think the -- the</p> <p>2 challenge is we don't know in our system why they are</p> <p>3 deceased, as opposed to the CDC's data.</p> <p>4 BY MR. MOUGEY:</p> <p>5 Q. But based on your experience and</p> <p>6 background, you thought that -- or you believed that</p> <p>7 if you could get your hands on the right data sets</p> <p>8 linking the mortality to prescription data was a</p> <p>9 viable exercise?</p> <p>10 MR. HILL: Object to the form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I think that I thought it was a -- I</p> <p>13 thought it was a good exercise to undertake and there</p> <p>14 might be conclusions that we could draw from that that</p> <p>15 could be helpful, you know. I don't -- I don't know</p> <p>16 if we would have been able to discover these patterns</p> <p>17 or not, but that's what I -- I think I hoped to do.</p> <p>18 BY MR. MOUGEY:</p> <p>19 Q. Did anyone from Walgreens assist you in</p> <p>20 this project?</p> <p>21 A. Not that I recall.</p> <p>22 Q. What about Averill?</p> <p>23 A. Well, I guess he had tried to reach out to</p> <p>24 the CDC and then we didn't receive anything back from</p>

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1 them.
2 Q. Who helped you pull some of the data from
3 Walgreens' system?
4 A. I pulled it myself.
5 Q. Do you recall how far back you were able
6 to pull data to -- to -- to begin your analysis in
7 2013?
8 A. Our database goes back a number of years,
9 but I don't remember what timeframe that I used --
10 Q. Okay.
11 A. -- to conduct the analysis.
12 Q. Where -- do you know where this report is
13 that you generated now?
14 A. I do not.
15 Q. You don't have it on your hard drive or
16 anything at the office?
17 A. I don't know.
18 Q. And -- you -- you don't know?
19 A. I don't know.
20 Q. Did you -- did you look for it in response
21 to any production for this litigation?
22 MR. HILL: Object to the form.
23 BY THE WITNESS:
24 A. Our attorneys went through our computers

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1 and our e-mail and et cetera, so I did not, but --
2 BY MR. MOUGEY:
3 Q. But you didn't look for it, though?
4 A. Correct.
5 Q. All right. So you're not sure whether it
6 was produced or not?
7 A. I don't know.
8 Q. And do you recall what the report is
9 named?
10 Do you recall what the report is named?
11 A. I do -- I don't recall.
12 Q. Do you know if anyone specifically looked
13 for it?
14 A. I don't know.
15 Q. Did you tell them it was -- it was there,
16 where to go?
17 MR. HILL: Object to the form.
18 And I'm going to instruct you not to
19 disclose communications with your counsel.
20 BY THE WITNESS:
21 A. I -- I didn't look for it or discuss the
22 existence of it at the time that they were collecting
23 documents.
24 BY MR. MOUGEY:

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1 Q. Did you review this -- the e-mail that --
2 the e-mail that we just went through in preparation
3 for your testimony today?
4 A. This one, yes.
5 Q. Yes -- yes. And did it jog your memory
6 that, Oh, I wonder if we produced that report and --
7 and the work that I did?
8 A. We didn't discuss if it was produced --
9 Q. But it --
10 A. -- no.
11 MR. MOUGEY: If you'd give me just a minute,
12 Mr. Bratton, I think I'm done.
13 MR. HILL: Peter, why don't you give us three
14 minutes in case I have anything.
15 MR. MOUGEY: Uh-huh.
16 MR. HILL: We can take the break right now.
17 MR. MOUGEY: Yeah, that would be great.
18 MR. HILL: Thanks.
19 THE VIDEOGRAPHER: Going off the record at
20 4:33 p.m.
21 (WHEREUPON, a recess was had
22 from 4:33 to 4:41 p.m.)
23 THE VIDEOGRAPHER: We are back on the record at
24 4:41 p.m.

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1 MR. MOUGEY: And I don't have any further
2 questions.
3 MR. HILL: I don't either.
4 MR. MOUGEY: Okay.
5 THE VIDEOGRAPHER: Going off the record at
6 4:41 p.m. This concludes the videotape deposition of
7 Mr. Bratton.
8 (Time Noted: 4:41 p.m.)
9 FURTHER DEPONENT SAITH NOT.
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1 REPORTER'S CERTIFICATE

2

3 I, JULIANA F. ZAJICEK, C.S.R. No. 84-2604,

4 a Certified Shorthand Reporter, do hereby certify:

5 That previous to the commencement of the

6 examination of the witness herein, the witness was

7 duly sworn to testify the whole truth concerning the

8 matters herein;

9 That the foregoing deposition transcript

10 was reported stenographically by me, was thereafter

11 reduced to typewriting under my personal direction and

12 constitutes a true record of the testimony given and

13 the proceedings had;

14 That the said deposition was taken before

15 me at the time and place specified;

16 That I am not a relative or employee or

17 attorney or counsel, nor a relative or employee of

18 such attorney or counsel for any of the parties

19 hereto, nor interested directly or indirectly in the

20 outcome of this action.

21 IN WITNESS WHEREOF, I do hereunto set my

22 hand on this 5th day of December, 2018.

23

24 JULIANA F. ZAJICEK, Certified Reporter

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1 DEPOSITION ERRATA SHEET

2

3 Assignment No. 196763

4 Case Caption: In Re: National Prescription Opiate

5 Litigation

6

7 DECLARATION UNDER PENALTY OF PERJURY

8

9 I declare under penalty of perjury that I

10 have read the entire transcript of my Deposition taken

11 in the captioned matter or the same has been read to

12 me, and the same is true and accurate, save and except

13 for changes and/or corrections, if any, as indicated

14 by me on the DEPOSITION ERRATA SHEET hereof, with the

15 understanding that I offer these changes as if still

16 under oath.

17

18 EDWARD BRATTON

19

20 SUBSCRIBED AND SWORN TO

21 before me this day

22 of , A.D. 20__.

23

24 Notary Public

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1 DEPOSITION ERRATA SHEET

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23 SIGNATURE:_____DATE:_____

24 EDWARD BRATTON

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1 DEPOSITION ERRATA SHEET

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24 EDWARD BRATTON